

JANUARY 9 SP EXEC AND REGULAR Town Board Meeting

January 9, 2024

Schultzville, NY

A special meeting was held on this day in the Town Hall. Present were Supervisor Mike Whitton, Deputy Supervisor Eliot Werner, Councilman Charlie Dykas and Councilwomen Katherine Mustello and Marion Auspitz. Town Clerk Carol-Jean Mackin was absent. There were approximately 2 people in the audience.

**PLEDGE OF ALLEGIANCE**

At 5:00 PM, Supervisor Whitton called the meeting to order and led the Pledge of Allegiance.

At 5:00 PM, MM Supervisor Whitton, 2nd Councilman Werner to enter into executive session for the purpose of interviewing for the BAR position. All aye. Motion carried.

Two candidates were interviewed.

At 6:08 PM, MM Supervisor Whitton, 2nd Councilman Werner to return to the regular order of business. All aye. Motion carried.

**ADJOURN**

At 6:09 PM, MM Supervisor Whitton, 2nd Councilman Werner to adjourn the meeting. All aye. Motion carried.

Respectfully submitted,

Michael Whitton, Supervisor  
Acting Town Clerk

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The Clinton Town Board held the Regular Town Board meeting on this day in the Town Hall. Present were Supervisor Mike Whitton, Deputy Supervisor Eliot Werner, Councilman Charlie Dykas and Councilwomen Katherine Mustello and Marion Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately 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 Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the December 28, 2023 Annual Meeting minutes. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the Reorganizational Meeting minutes. All aye. Motion carried.

### **PUBLIC DISCUSSION: (Agenda Items only)**

MM Supervisor Whitton, 2<sup>nd</sup> Councilman Mustello to open the floor to public discussion. All aye. Motion carried.

Cynthia Koch – President Historical Society, regarding constructing a canopy over the front door of Schoolhouse Building, as requested by the Supervisor’s Secretary, comments that it should be historically accurate. We had 12 one room schoolhouses in Town, ten with an enclosed entry, which is not appropriate for the Schoolhouse and two had open canopies. Urging the Board to pay for an historically appropriate canopy design.

Ray Oberly – regarding the discussion on budget items at the last meeting, he is offering guidance. The budget made in 2023 for 2024 is based on activities by that administration. That was to develop an overall budget number to collect taxes. A new administration cannot exceed that tax number. There are two restrictions of the new administration, they can’t move money from highway to general fund and they can’t change the salary of an elected officer without a certain process. Anything else is up for change. That is the new administration’s challenge. The town supervisor as budget officer and the town board approves the movement of money actions. This is done every month as we balance the budget to move monies around.

Todd Martin, Highway Superintendent - regarding Resolution 1 of 2024, one item affects his secretary’s salary. She does the work and puts in the time doing more than is asked of her. The new increased rate was in the budget and now we are taking it back, not fair.

Noah White – appreciates all elected officials for what we do. Some things need adjustment and change. In an October budget meeting there was a discussion that the zoning officer needs help and the board said we can’t find anyone for \$25 an hour. Good qualified workers are hard to find so he tries to retain the people he has. Finds it odd that the budget was brought up that was not agreed upon. A personal comment to Supervisor

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Whitton, you gave yourself a full time job with benefits. Mike said he does not have benefits. Noah White said at election time, the full-time position was not advertised and if so that would have attracted others; called other board members puppets to which Charlie Dykas took offense. Noah saw the way Mike dealt with Katherine at the last meeting and took offense with that. Eliot asked him not to get personal. Charlie Dykas said he googled the average salary for town supervisor in NY is \$58,000. Mike makes \$39,000. Noone is proposing to raise his salary. Eliot Werner commented that he filled in for Mike for several months and it is a full-time job. Noah continued he was disgusted that Katherine was disrupted. Reminded Mike: You work for the taxpayers. It bothers him that one new board member was absent from the first meeting and feels not all were aware of what was happening.

Dean Michael – thanked the board for addressing the building reserve fund. Disturbed about Mike’s actions and not giving equal time to Katherine, the Board members are all equal. Read from a section of Roberts Rules that calls for each member to be heard, including the minority and encourages full discussion. In his 16 years on the Town Board, no one was ever denied any discussion of any item, feels it was alarming; maybe there were items hidden in the budget. Commented on the issues raised in Resolution 1. The previous Board reviewed every position to make sure each was appropriately titled and paid. Read from a letter authored by the Dutchess County HR department that the Secretary to the Highway Superintendent serves at the pleasure of the Highway Superintendent and her duties can vary at the pleasure of the Highway Superintendent. You should not be changing her title to Clerk. The Secretary to Highway Superintendent and Secretary to Supervisor are very similar positions. Changing the approved budget should be open for public discussion and public hearing and if the Town Supervisor gets extra pay or benefits, Dean says it should be subject to public hearing and a referendum; feels the Board is opening the town up to litigation.

Russ Tompkins – supported Mike for Supervisor. Regarding the reorganization meeting, described the process when Katherine tried to speak and described what he heard, discussed his review of Roberts Rules saying members have the right to discussion. Feels that Supervisor Whitton dismissed Katherine’s concerns and it was rude and unwarranted. He should have elaborated on the rule so people understood it; discussed the budget and how certain wages were changed. Pointed out that the supervisor salary (\$39,000) at 32 hours results in about \$23 per hour, making the supervisor paid less than his secretary. Classifying the supervisor as a full-time position comes with benefits so it’s like he is getting a raise. He should have recused himself from the vote and should explain himself because he voted for the budget in 2023 and now, he is changing certain budgeted items. If higher salaries are warranted, then that should be explained to the public. Feels this is an example of the continuation of the problems between the highway department and the supervisor’s office since moving records early in 2023. Wants to know what warrants these changes. Why is the Library commitment for 99 years, it is excessive.

Ray Oberly – town supervisor position should have been full time 15 years ago, he always worked 40 to 50 hours a week. But the board never wanted to pay. The work is there, it’s not a part time job and described all of the duties of the position of Supervisor and Budget officer. The position should be paid, the previous Board was cheap. Regarding Dean Michael’s comment on the job description review by the previous

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Board, which was done in 2021, but the document never came to the town board for approval; it was a document certain Board members used to make their own decisions.

Rich Morse – believes in the Library and what it does for the town. Giving them a long term lease is essential to its security and growth.

Dean Michael – the supervisor pay also has additional pay for the budget officer. The previous Town board made the Sec to Supervisor full time, so we did not need a full time supervisor.

Cynthia Koch – Without a long-term lease for Library they cannot apply for state funding which they need for growth. Looking forward to collaboration with the historical society for improved programming

Charlie Dykas -a former Library trustee, the Library is a magnet for goodness, good for everybody, it is the community facility we should be proud of. Commented on various lengths for the contract and does not see the difference the length of the contract makes.

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

### **SUPERVISOR'S COMMENTS**

Mike Whitton's comments read by Eliot Werner:

The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Martin Luther King Jr. holiday on Monday, January 15. The Clinton Community Library will also be closed on that day.

Tonight's agenda includes a reintroduction of Resolution 1 due to questions about the process used to pass the resolution at the reorganizational meeting. We are doing this to avoid all questions.

The budget reflects the current Town Board priorities. Our budget changes every month via the motion to move funds and the will of the board. We may have passed the 2024 budget, but like all budgets before this, it is being amended. This board sees fit to change the 2024 budget. That is not a comment about anyone on this town board, or past members of this town board. I thought the reorganizational meeting was an inappropriate venue to voice one's concerns regarding this matter. This is an appropriate venue.

The Town Supervisor position did not have an increase in salary with the increase of hours. Therefore, that position has taken a pay cut. I believe, and the Supervisor before me believed, along with many people that work for our town government, that the town supervisor position is a full-time job. I firmly believe it should be treated that way for all future Town Supervisors.

I wish to express that social media is not real life. If you have a question about town business, you can call me, leave a message, email me, or stop by my office.

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Finally, I am appointing Eliot Werner to be the liaison to the Municipal Code Enforcement Inspector. Marion Auspitz will be the liaison to 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)

Planning and ZBA –by Eliot Werner as he was present at the meeting in December, read from the report which is posted on the web.

Building Inspector - Eliot read from the Building Inspector Report, online on the web.

Library – there was an increase in attendance, partnering with Clinton Rec for summer concerts, Mid-Hudson Library system is introducing local programs on the climate crisis.

Recreation Committee – bonfire Saturday Fran Mark Park at 5:30; knitting club continues; we have joined Rhinebeck for volleyball and men’s and women’s indoor soccer. Rink is not frozen but there is a skating party planned for Feb. 2 - weather permitting. Day camp is planning for 4 sessions, check out the rec calendar on website.

Highway Report by Marion Auspitz: The crew did ditch work, shoulder work and planning for winter with truck maintenance as well as tree work; culvert pipe cleaning done for several residents who had constant clogs. Reminder that vehicles must be removed from town roads for winter clearing. Salt and sand available for personal use, bring 5 gallon pails to the highway department if needed.

### **OLD BUSINESS**

#### **1. Approve Library Lease - Whitton**

MM Supervisor Whitton, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 7 of 2024 a resolution approving a 99-Year lease with the Clinton Community Library**. Mike Whitton explained the Library has been without a lease for several years, it was month to month. Councilwoman Mustello asked if there is a cost to the Library, Mike said it is 1 dollar per year. Katherine explained she was youth director and director of the Library. She loves the Library. It is a tremendous asset. The reason they had no lease was because Mike made a choice to wait until he had a majority to pass this resolution; she believes the Library should have a monthly cost to contribute to its operation. Mike refuted Katherine’s comment and said the Libaray refused to sign the Contract that was presented to them, it was not his doing although it is easy to put him down. Katherine Mustello wants to talk about the length of the lease; we can meet somewhere in the middle. The 99 years is very long and 25 years is long enough with 10 year options, as they are still eligible for grants. Mike Whitton pointed out if they go one day below 25 years, they are no longer eligible for grants. Marion does not think the length makes a difference we are not going to be here. All aye except Councilwoman Mustello who voted no. Motion carried.

**2. Approve Anti-Violence Policy - Werner**

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the following resolution: BE IT RESOLVED that the Town Board approve adopting the Anti Violence Policy, effective January 9, 2024. All aye. Motion carried.

**3. Approve Resolution to set public hearing to fund Building & Maintenance Reserve Fund - Whitton**

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 8 of 2024 to set public hearing to fund Building & Maintenance Reserve Fund** on February 13, 2024 at 6:25 PM or as soon as practical, in the Clinton Town Hall. All aye. Motion carried.

**4. Approve placing Stop Signs and Attendant Traffic Control Devices at Certain Intersections - Whitton**

MM Supervisor Whitton, 2<sup>nd</sup> Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. X of 2024 authorizing the installation of stop signs and attendant traffic control devices on Pumpkin Lane.** Katherine asked if there was a traffic study done. Mike said this board understands the feelings of the highway but we have been notified by a resident of the potential risk there and we have an obligation to take care of the signage. The resident's complaint makes the Town Board responsible if there is an accident. Mike read from the V and T law which was validated by the town attorney that it is the purview of the town board to place and control traffic control devices. Marion asked if there is an accident, is the board is liable? Mike said yes. Mike said past boards have done it this way. And the highway dept. can add more signs if they deem it necessary. Concerning the intersection in question, we can have the engineer look at it but, we have been notified it is dangerous and we do not need an engineer's report. Mustello agrees we can put a stop sign there but she wants clarification asking if Mike wants to put up a stop sign and then have an engineer's study and then possibly take it down? Mike said we can incorporate engineer studies on future intersections, not this one. Katherine Mustello said she received a letter from the Dutchess County Engineer Gill who reviewed the intersection on line and said you do not need a stop sign but rather an intersection ahead sign. Katherine has a concern for the road being a hill preventing people from seeing a stop sign. Mike said the resolution addresses this and said the resolution recommends for the Highway Superintendent to add a stop ahead sign. Katherine asked why are we not doing the research as there have been no accidents in ten years. Marion also questioned why no engineer, Whitton said it costs money and he drives it every day and agrees with the residents - it is dangerous. Werner asks why is there an objection to the stop sign? Katherine said we are not doing our due diligence. She feels she is not qualified to make the decision. Commented that Melissa Karchmer did a lot of research on this issue and we are not considering that information. Concerned that there may be accidents with the stop sign there. Charlie said Mike talked to legal counsel and said we are liable if there is an accident - this supersedes other discussions. Mustello said the town attorney has a very focused view to protect the town. The Board agreed that further review is necessary on this item so NO VOTE TAKEN.

**5. Reintroduce and Approve Resolution 1 of 2024 - Whitton**

MM Supervisor Whitton, 2nd Councilman Werner to approve the following resolution BE IT RESOLVED that the Town Board approve **Resolution No. 1 of 2024, a resolution to make annual appointments to establish town positions and their rates of pay.** Supervisor Whitton said if you vote no against the resolution you vote against everyone's salary. Whitton apologies to Mustello for the Jan. 3 meeting discussion. Mustello appreciates Oberly's and Whitton's comments on the budget. She understands the budget process but is upset about the way it was done; making changes in the list of appointments in the resolution was sneaky and underhanded. It was not clear. Mike looked dictatorial. We are all stewards of the peoples' money and we need to be transparent. We have many positions but two were drastically changed it looks discriminatory or retaliatory. Melissa is not a clerk she is a secretary. Katherine said that raising the secretary to the supervisor wage is Mikes purview, she does a fantastic job and commented that Melissa manages the highway budget. This board chose to lower her salary \$3 an hour, that is alarming. Concerning the Pt to ft change for the supervisor, look at the salary of supervisors is comparable towns, a NY state average is not helpful. Whitton ran for this part time position. Addressed comments to Charlie regarding the January 3 meeting, she feels he was put in a bad position and made to look bad. She hopes he and Marion have integrity and hopes Charlie has a backbone and asks good questions and does not go along for the ride. She said she will not vote for the resolution even though it votes down all salaries because she feels the way it handles certain salaries is not right. Marion wants to table it being new she would like more information and she is not up to voting on this, Mike said he would like a vote tonight and she can abstain. He added that no one is being cut as no one received the raise, that was a budget number and that Melissa is getting a 3.25 percent increase like everyone else. Katherine asked if Mike was going to recuse himself from the vote and he said no and asked in turn if Katherine was going to recuse herself as she will be voting on her own elected salary. Katherine said we always vote on our salaries but if she were Supervisor voting on a drastic change to my salary, she would recuse herself. Charlie does not understand why salary changes were made; Marion agrees with Charlie's observation, both want more clarification. Both expressed that they will abstain from voting until they have more information. It was agreed that Resolution 1 is in effect so people will be paid at the rates listed in the resolution and we can revisit the issue in February. Katherine asked Town Clerk Carol Mackin if she agrees that is Resolution 1 is valid. Carol explained that while she is not the parliamentarian, she relies on her 30 years of experience. Her opinion is that Mike used Roberts Rules of order to move the question which is designed to stop a discussion and move directly to a vote on the resolution at hand. Mike make the motion to move the question, 2<sup>nd</sup> by Eliot, there was no vote on that motion to move the question. Since the discussion continued, the Roberts Rules motion was mute. After additional discussion, a vote was taken on Resolution 1 and passed making it valid in her opinion. Katherine wants to revisit Resolution 1 line by line next month and we can agree or disagree. Charlie agrees that the position of town supervisor is full time, Katherine said making it a full time position means that health care benefits are included and needs to be funded. NO VOTE WAS TAKEN.

**NEW BUSINESS**

**1. Approve AFR Annual Financial Report extension– Whitton**

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MM Deputy Supervisor Werner, 2nd Councilwoman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves requesting a two-month extension to file the AFR for proper accounting of the 2023 finances. All aye. Motion carried.

Mike explained with the annual financial report is.

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

**MOTION TO ATTEND:**

MM Deputy Supervisor Werner, 2nd Councilman Dykas 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 18 – 21, 2024 at a total cost for conference registration and accommodations not to exceed \$1300.00. All aye. Motion carried.

**MOTION AS DELEGATE:**

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello that the Town Board approves designating Supervisor Whitton as DELEGATE to the Annual Business Session of the AOTs Annual Meeting. All aye. Motion carried.

**2. Discuss I-WORQ in Building and Zoning Depts. – Mustello**

Bring forward to February. No discussion tonight.

**3. Discuss Fee Schedule – Whitton**

Mike will ask town board to review fees to increase revenue.

**5. Approval of Architect drawing for Schoolhouse Canopy - Werner**

MM Deputy Supervisor Werner, 2nd Councilman Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Marrisodi Architecture to design the canopy for the Schoolhouse building at a cost not to exceed: \$950.00. All aye. Motion carried.

**OTHER ITEMS**

**1. Resignations and appointments – Werner**

**RESIGNATIONS:**

MM Deputy Supervisor Werner, 2<sup>nd</sup> Councilwoman Mustello to accept the resignation of Brandon Gonzales as Constable effective December 31, 2023. All aye. Motion carried.

**APPOINTMENTS:**



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MM Deputy Supervisor Werner, 2nd Councilwoman Auspitz to approve the appointment of McKenna D’Attore as pt seasonal winter employee “Wingman” at \$16.27 per hour effective January 5, 2024. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Auspitz to approve the appointment of Patrick O’Hara as a member of the BAR for a term of office of January 9, 2024 to September 30, 2024 replacing James Pelligrino, who passed away. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the appointment of Jenn Brown as a member of the CAC for a term of office of January 1, 2024 to December 31, 2025. All aye. Motion carried.

**RESCIND:**

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve rescinding the appointment of Charlene Knaster as Building Clerk effective January 3, 2024. All aye. Motion carried.

**2. Approval of Warrants**

MM Councilwoman Mustello, 2<sup>nd</sup> Councilman Werner to approve the following resolution BE IT RESOLVED that the Town Board approves the:

**January General Fund Warrant, vouchers numbered 1 through 29, totaling \$16,647.01**

**and the**

**January Highway Fund Warrant, vouchers numbered 1 through 16 totaling \$77,152.63**  
All aye. Motion carried.

**3. Motion to Move Funds – Whitton/Werner**

NONE

**4. Supervisor’s Report - Whitton**

The December 2023 Supervisor’s Report will be approved when the Annual Financial Report is complete.

**OTHER/ANNOUNCEMENTS:**

NONE

**PUBLIC DISCUSSION**

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

Ray Oberly – Kansas Road, there have been some improvements but there is a lot of washouts, it is still a disaster. There are concerns for emergency vehicles to get in there. The road is eroding on the side and across the road with lots of potholes. We are wasting money trying to fix something not properly done. A dirt road is 50 percent more expensive to maintain. Asked about a generator for the town complex, hoped for arpa funds be used. A generator would be for employee safety. No heat, no light, no water if no electric. And in the winter it could be disastrous. Also the elevators don't work. Asks for an estimate for this serious issue. Whitton asked the engineer for a new plan and then we will get an estimate. Councilman Werner commented on Kansas road - there was a meeting with the Town Engineer who presented a plan and a cost to fix the road. Mike and Eliot will meet with engineer and then discuss the results with Todd.

Russ Tompkins – ZBA member, the town needs to create a fund for litigation or buy insurance for litigations. He felt we should have pursued the litigation with Cornerstone but we didn't. Regarding Resolution 1, he suggests giving the money in the budget to Melissa and that will put this to bed. Feels it is improper. Ray was Supervisor for many years and knew of the Kansas Road problem, and the people on Kansas Road don't want it paved, this creates a problem. This is not a new problem. This is a scenic and historic road so paving is not an option.

David Karchmer – regarding the Library lease, he values the Library. On the length of the contract being a 99 year lease, to hear public officials make comments on the length of the contract and that we will be long gone in 99 years- is reprehensible. Feels that way of thinking has gotten the country in \$34 trillion in debt. We are making economic decisions that affect the future and made a comparison to decisions made on the climate crises that will affect future generations. He sees a difference in the way the Board members are making decisions regarding these two issues. Mike Whitton commented on the climate crisis we have three Committees: CAC, Climate Smart Committee and WIC that address the climate change issue, we are doing quite a bit on that with a concern for the future.

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

**ADJOURNMENT**

MM Supervisor Whitton, 2nd Councilwoman Mustello that the Town Board adjourns the meeting. All aye. Motion carried.

The meeting was adjourned 8:06 PM.

Respectfully Submitted,



Carol-Jean Mackin,  
Town Clerk

