

March 21, 2023 Town Board Meeting
March 21, 2023

Schultzville, NY

The Clinton Town Board held the Regular Town Board meeting, postponed from March 14 due to the snowstorm, on this day in the Town Hall. Present were Supervisor Whitton, Councilmen Werner, Michael, Juliano and Councilwoman Mustello. Town Clerk Carol Mackin was also present. There were approximately 6 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 February 14, 2023 Public hearing on ACF. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the February 14, 2023 Public hearing on Senior Citizen exemption. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the February 14, 2023 regular meeting. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Werner to approve the minutes of the March 2, 2023 bid opening. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the March 6, 2023 executive session. All aye. Motion carried.

PRESENTATION: Jessica Stromback – CEO, Joule, and Hanna Carp representing Joule

Discussing the CCA program. The previous opt-out program was using a renewable contract, saving carbon emissions and money for residents. Joule has put out the bid for pricing with a threshold for maximum cost of 12 cents per kw hour; Central Hudson is at 14 cents today. The bids came in at 10 cents for standard power and 12 cents for renewable power and a variable at 8.5 cents. She is looking for an MOA with the Town, non-binding, to allow Joule to bid on behalf of town of Clinton for firm prices. Bid between April 4 and April 10. This is basically the same arrangement as the previous contract with certain safeguards: a tighter contract and Joule restricted who they allowed to bid. They have three bidders; these are companies that have withstood the storm and are still strong in the market. Chris Juliano has heard from many people who were not happy with the opt out feature. Not in favor of this although sees there were savings. We should not push residents into this. Katherine Mustello expressed concern that there are no better safeguards in place except better vetting of companies. Jessica explained the pricing structure, with more strict contracts and higher requirements for participation. There is a fixed rate plan that provides protection in a fluctuating market. The other choice is to offer a variable rate, fixed initially and gives them the power of a supplier who will earn more money the more that people consume their product. Eliot Werner: why would the supplier vote for the third option? Jessica discussed the business model of hedging where they purchase futures and guard themselves. Chris Juliano said Columbia broke their contract, where does that stand? Jessica said they are in court and the PSC is looking at possibly banning them from working in NY. Residents will be paid a portion of the settlement if Columbia is held accountable. Dean Michael said the only sure way to

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be protected is if the companies provide a bond. Jessica said that is not required. Dean Michael said people paid more the first time around and then they backed out of the deal, people were put back on Central Hudson at a much higher rate. People can go to Central Hudson's website and choose a fixed rate from another supplier on their own, so Dean Michael is not in favor of the CCA when people can purchase their own electricity. Chris agrees. Jessica said the residents can not get the rates of the vendors through the CCA on their own because the CCA buys with volume and get best rates.

PUBLIC DISCUSSION:

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

Kat Maxianova – puzzled about resolution on Cornerstone. Criticized the public hearings held for the local law. That Town Attorney Shane Egan took a position on the law before the public hearing was inappropriate. Likewise, she feels the Board members' minds were made up before the public hearing. There was no environmental assessment done. The septic report is not indicative of approving operating at maximum capacity. She opined that there were no consequences in 2005 to the ZEO determination that Cornerstone could not expand because they were not given a violation, and they went ahead and expanded anyway. She is looking for some compensation to the town for this. Quoted the extra number of people over the past decade and their assessment being lower than what they just sold for. She hopes they will be reassessed and if challenged, the Town will fight that. Dean Michael said the items Kat discussed will be addressed by the Planning Board. We allowed a zoning change to allow a path to become whole, which everyone should have. Agrees with the revaluation for the whole town, the assessor does not feel qualified to assess the commercial properties and we are looking at an outside professional to do this assessment. We should also reassess the utility with the new powerline with more wattage and infrastructure. Mike Whitton said that the assessment of Cornerstone does not equal the cost of the sale of a business. They are buying the name and the business, not just the property. Chris Juliano agrees with Dean Michael and Mike Whitton. This process just allows Cornerstone the pathway to the Planning Board where they can correct certain issues.

Erin Sax – Criticized Chris Juliano: he was not at the last meeting, Mike Whitton read his letter aloud, which said his mind was determined to support the law without listening to the public's comments. Feels the public is not being heard. Commented that none of the letters sent to the Board were read aloud at the public hearing nor were all of the letters sent to the Board posted on the web. She said people feel they are not being heard. Chris Juliano said as leaders, sometimes decisions are in a lot of grey areas but we have the best interest of the town at the center. Erin has little confidence in the Board.

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

SUPERVISOR'S COMMENTS:

The Clinton Town offices, Highway Department, Justice Court office, and court will be closed for Good Friday on April 7th.

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The New York State burn ban will be in effect from March 16th through May 14th. Backyard fire pits and campfires less than three feet in height and four feet in length, width, or diameter are allowed, as are small cooking fires. Only charcoal or dry, clean, untreated, or unpainted wood can be burned. People should never leave these fires unattended and must extinguish them. Burning garbage or leaves is prohibited year-round in New York State.

The Clinton Climate Smart Communities Task Force has begun the process of a Natural Resource Inventory with the help of a grant from the DEC. We are presently soliciting any suggestions from the public on any information concerning the natural resources of the Town of Clinton. We are seeking photographs of cultural and natural aspects of Clinton for consideration in this process. If you have something that you think could be included, please contact my office at townsupervisor@townofclinton.com.

Starting this week, preliminary work will begin to replace the bridge on Hollow Road, between Salt Point Turnpike and the Taconic State Parkway. To ensure continued access for residents, a temporary road and bridge controlled by temporary traffic signals will be installed downstream of the existing bridge. This project will include reducing the width of the bridge to a single lane due to the very low traffic volume, and raising the height of the bridge to accommodate anticipated future storm events to minimize washout and potential flooding. The project will also include building a wall to stabilize the roadside embankment to the east of the bridge, which will require Hollow Road to be limited to one lane with traffic controlled by flaggers. Both projects are anticipated to be complete by late November 2023.

I attended the annual Association of Towns conference and meeting from February 19-22. The annual meeting is where all member towns vote on legislative priorities that we forward on to our counterparts in state government. There were 11 resolutions passed, and I would like to highlight a few to give you an idea of what we are focusing on when it comes to issues, we are trying to get the state to focus on.

- We passed two resolutions asking for increased funding from the state. One for increased highway, bridge, and transportation funding, and the other supporting an increase in local revenue sharing programs. We have an item on tonight's agenda focusing on revenue sharing.
- There were several resolutions in regards to supporting and preserving home rule for local municipalities. Those included support for affordable housing, the expansion of cellular and broadband service, and setting speed limits on local roads. We believe that these are important issues to address while maintaining our ability to control our own zoning codes.
- We unanimously passed a resolution calling on the state to adopt tax cap reforms to remedy inequities in the formula, including imposing a true 2% cap. Removing infrastructure project costs from the calculation, allowing growth from PILOT and tax-exempt properties to be included in the tax cap calculation, removing barriers to shared services that would save taxpayer dollars, and removing special improvement district cost from the tax cap calculation.

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 the web. Library: on April 22 they have a shredding event and bake sale.

Eliot Werner read from the Planning Board minutes, on file. The Planning Board is interested in the services of a Planner like Neil Wilson in the past. Dean Michael said we have a planner with Morris Associates, Eliot Werner would like to see another option. The costs come from escrow. With increased regulations, like agricultural events, STRs and the new farm law, items are getting more complex. Would like to reach out to Neil Wilson. Dean Michael asked if town law gives the planning board the authority to appoint their own professionals. The ZBA meeting was cancelled. The cemeteries: Regarding Andy and Tim's work at Pleasant Plains Cemetery, they have done a fabulous job on clean up.

Recreation Director Dan Harkenrider gave the report:

1. **Rec: has a survey** – Town of Clinton Recreation is interested in creating new community activities and getting more participants involved in our existing programs. We want your feedback so we can continue to build the recreation program in Clinton. **TAKE OUR SURVEY: find it on the web front page townofclinton.com.**
2. **Hands Only CPR** March 25th 9-Noon at East Clinton Firehouse Register via the **RECREATION PAGE** on the website.
3. **Easter Egg Hunt**, joining with Clinton Volunteer Fire Dept. April 8th at 11 am at Friends Park. Join us!
4. **Summer Camp Registration is open.**

July 3-7 (no camp July 4) July 10-14 and
August 7-11 and August 14-18

FEES:

Clinton residents: \$175.00 / child/ week *

Non-residents: \$250.00 / child/week

Find the forms on the website, front page or the Recreation page.

Questions: email: clintonrec@townofclinton.com

5. We are looking for summer staff, lifeguards, camp counselors and gate guards. Email Dan Harkenrider.
6. Shout out to Millbrook girls basketball team, back-to-back state champs!

OLD BUSINESS

1. **Approve awarding bid for Library ramp improvement project – Whitton**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves awarding the bid for the Library ramp improvement project using DASNY funds to **Noah White Custom Builders Inc.** for the

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bid price plus contingency allowance of \$5000 as per the contract for a **total bid price of \$168,206.35 with the ADA Trex handrail option/alternate railing.**

Supervisor Whitton: In 2018, we began the process of securing a grant through Didi Barrett's office to install and handicapped ramp and automatic door on the front of the library. There were many delays in finalizing the grant, and by the time it happened, COVID had changed the world. The original grant would have been sufficient for this project, but inflation has now made this project significantly exceed the grant funds available. We have just gone to bid on the ramp for the second time, and the prices have not gone down.

The lowest responsible bid came in at \$168,206.35, including a \$5000 contingency. We have \$90,500 of grant funds to spend, leaving us to find \$77,706.35. In order to cover this shortfall, I have proposed using our surplus fund balance. We have a policy in place which states that our fund balance may not exceed 45% of our budgeted expenses. In our 2023 budget, the fund balance represents 72.6% of our budgeted expenses, exceeding our policy by \$475,902. This means we have almost a half million dollars that we have collected from taxpayers and should have spent on the benefit of the town and its facilities. I have spoken to the town accountant at Van Norstrand and Hoolihan, and she believes this plan to fund the ramp is sound.

It has been pointed out to me that there are four reasons:

- Reduce Debt Principal
- Finance Reserve Funds
- Reduce Property Taxes
- One-shot expenditures, such as equipment and capital outlay.

I believe this project fits squarely into that last category.

Other factors to consider was a redesign. Unfortunately, the original design had the ramp wrapping around the right side of the library. That resulted in the blocking of 5 windows in the basement, one of which is a designated emergency egress. So that plan was scrapped.

We have also received a FOIA request in the recent past inquiring as to why our library does not meet all the ADA standards.

We have been promising to get this project done for 5 years, and now is the time.

Dean Michael: said spending so much money for a ramp, he talked with other builders who would get half that much. He can't justify the cost. Mike Whitton said we spent \$10,000 on design and bidding, to bid again is estimated to be another \$5000, a waste. Katherine Mustello said the second set of bids and the numbers are essentially the same. Mike Whitton said prevailing wage keeps builders out and insurance requirements limit contractors. Chris has a concern for the amount of fund balance needed. Katherine Mustello said if we do not go with the ramp, the door needs replacing and the steps need replacing anyway as they are in disrepair. With the excess amount of money in surplus, Mike Whitton would like to move monies to a capital reserve fund for building upkeep. Chris said the buildings need attention on campus. Dean Michael said there are other cheaper alternatives to the current ramp specs.

ROLL CALL VOTE:

Katherine Mustello: aye

Dean Michael: nay

Michael Whitton: aye

Eliot Werner: aye

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Chris Juliano nay.

Motion carried.

2. Discussion on Section 250-51 of the Town Code - Farming – Werner

Katherine Mustello asked for clarification on certain terms. Jeff Newman joined the discussion to answer questions. Eliot Werner will bring the item back next month to introduce it as a local law and set a public hearing.

NEW BUSINESS

1. Approve Introducing Local law to amend Section 210 of the Town Code (Firemen’s Exemption) – Whitton

Supervisor Whitton: The town currently has a property tax exemption for volunteer firefighters and ambulance workers. Recently, the state made some changes to what would be permitted in that exemption, and we are introducing legislation meet those standards.

This will give a 10% property tax exemption to volunteer firefighters that reside within the Town of Clinton and use the property as their primary residence. Included is a provision for a lifetime 10% exemption for those that have served for 20 years or more, and provisions to include surviving spouses.

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves the following resolution: **BE IT RESOLVED** that the Town Board approves **Resolution No. 20 of 2023** introducing Local Law No. XX entitled “Local Law Amending Article VII of Chapter 210 of the Town Code – Property Tax Exemption for Volunteer Firefighters and Ambulance Workers”, and setting a **public hearing** for the proposed local law at the Town Hall on **April 11, 2023, at 6:25 o’clock p.m.**, at which time parties in interest and citizens shall have an opportunity to be heard. All aye. Motion carried.

2. Approve spending ARPA funds to purchase IworQ software program – Whitton

Supervisor Whitton: Over the last month, we have been exploring some software options that would make the operations of the highway department and building and zoning departments more efficient. This will allow us to track expenditures, time, and projects in a much more comprehensive way. Once everything is implemented, we should be able to serve residents faster and more effectively.

This has been a real team effort. Melissa Karchmer first brought the software to our attention for the Highway Department, and then Cathy Gallinger explored extending it to building and zoning. About 10 of us took time during a snow storm to watch an online demonstration of the software.

We currently spend about \$4000/year on software in the building and zoning department that does not have the functionality that our ZEO and building inspector would like. This will cost about \$1000 more per year, while giving us all of the desired functionality and efficiencies.

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The highway portion will be an added cost of \$2000/year. In exchange, we will gain the ability to track project costs in a much more detailed way, allowing us to find those places where we can find cost savings.

After the setup expenditure, we will have about \$113,000 left to spend in ARPA Funds.

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves spending \$500 in ARPA funds for implementation and setup of the iWorq software. Katherine Mustello said each dept. can see the other departments information which is helpful. All aye. Motion carried.

3. Approve purchase of IworQ software program – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves spending \$2000 from budget code A5010.472 and \$5000 from budget code A1620.472 for the annual maintenance of iWorq software, including the public works and community development packages. All aye. Motion carried.

4. Approve buying back two cemetery plots – Werner

MM Councilman Werner, 2nd Supervisor Whitton that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves refunding \$750.00 to Alfred Weil for two no- longer- needed burial plots in Pleasant Plains Cemetery that were originally purchased in 1987 and 2003. All aye, except Dean Michael who abstains: we should not be buying plots back. Motion carried.

5. Approve return of 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. 21 of 2023 returning unused escrow funds.** All aye. Motion carried.

6. Approve AIM funding request – Whitton

Supervisor Whitton: As mentioned in my supervisors' comments, we are eager to get the state to increase revenue sharing to local municipalities. They state is currently negotiating the budget, and I would like us, as a board, to take the opportunity to make our voices heard. I have written a letter to governor Hochul, state senator Michelle Hinchey, and Assemblymember Didi Barrett. I hope that the members of the town board will sign on to the letter with me. Supervisor Whitton read the letter aloud.

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves Supervisor Whitton sending a letter to Senator Michelle Hinchey, Assemblywoman Didi Barrett and Governor Hochul asking for an increase in AIM (Aid and Incentives for Municipalities) funding. All aye. Motion carried.

7. Approve Resolution to accept Cornerstone stipulation – Whitton

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MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 22 of 2023 titled Resolution Approving So Ordered Stipulation Of Settlement With Medical Arts Sanitarium, Inc. D/B/A Cornerstone Of Rhinebeck (index. No. 66048/2022)**; and further that the Town Board hereby authorizes, directs and empowers the Attorney for the Town Shane J. Egan, Esq. to execute said Order and take any actions necessary to effectuate its terms. All aye. Motion carried.

8. Approve agreement between the Town of Clinton and TJ Tompkins – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the MOA settling the longevity grievance brought against the Town by CSEA, Inc, Local 1000 and TJ Tompkins, a member of the Union, agreeing to the terms as presented in the MOA, and authorizes, empowers and directs the Town Supervisor to sign said agreement on behalf of the Town. Dean Michael said the agreement also calls for amending the contract. All aye except Katherine Mustello who voted Nay. Motion carried.

9. Approve revised MOA between Town of Clinton and CSEA - Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Supplemental MOA by and between the Town of Clinton and the CSEA Local 1000 as it relates to Article 5, Section 1, Sub-Section C: Longevity Payments and authorizes, empowers and directs the Town Supervisor to sign said agreement on behalf of the Town. Katherine Mustello said one year is too long a time in a leave of absence to then grant longevity. Dean Michael said the one year leave of absence period is standard in government contracts. All aye. Motion carried. All aye except Katherine Mustello who voted Nay. Motion carried.

10. CCA Agreement Discussion - Whitton

MM Supervisor Whitton, 2nd Werner the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Community Choice Aggregation non-binding MOU with Joule Assets Inc. and authorizes the Supervisor to sign the contract. In discussion, Mike Whitton said this is non-binding but they will open the bids and we can see all of the prices and then decide to go forward with an electricity supply agreement and enter a CCA. Under the Columbia contract, residents saved money. We are leaving money on the table is we don't sign because we are concerned about a breach of contract. Chris Juliano said we should not be in the business of providing electric to people, they can choose this on their own; he does not like the opt out feature. Mike Whitton said you are automatically given Central Hudson when you move into your home, you do not have a choice. Chris Juliano said there are opt in programs, we should not force residents in. Eliot Werner wants number who opted out, Mike Whitton said 10 percent. Eliot Werner asks, what if 50 percent opt out? Mike Whitton will follow up with Joule for that answer and then explained what happened with Columbia Power breaching their contract. The Board discussed choosing other suppliers and opting in vs opting out. Dean Michael said there are opt in programs which you can find on Central Hudson's website and make your own electric supplier choice. Mike Whitton said the contract is for two years and every two years we notify the community of the options and have public hearings and a direct mailing with rates. All aye, except Councilman Juliano who vote Nay. Motion carried.

OTHER ITEMS

1. Resignations and appointments

RESCIND Cemetery Committee Appointment:

MM Councilman Werner, 2nd Supervisor Whitton to rescind the appointment of Andy Cooley as a member of the Cemetery Committee with a term of office of February 14, 2023 to December 31, 2023 on the advice of the Town Attorney who deemed the appointment a conflict of interest being that Mr. Cooley's job is to maintain the cemeteries. All aye. Motion carried.

HOUSEKEEPING

MM Supervisor Whitton, 2nd Councilman Werner to rescind the appointment of Travis Slater as Winghamman effective December 31, 2022. All aye. Motion carried.

Appointment of Groundskeepers:

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board appoints Tim Horton Seasonal Maintenance Groundskeeper (Cemetery) effective April 1, 2023 for 32 hours per week for 25 weeks at \$15.76 per hour. All aye. Motion carried. (Code: A8810.110)

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board appoints Andy Cooley Seasonal Maintenance Groundskeeper (Recreation) effective April 1, 2023 for 32 hours per week for 26 weeks at \$15.76 per hour. All aye. Motion carried. (Code: A7110.160)

2. Approval of Warrants

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

March General Fund Warrant, vouchers numbered **91 through 148 totaling \$ 1,444,153.63** and the

March Highway Fund Warrant, vouchers numbered **54 through 85 , totaling \$ 92,915.52** and the

March Capital Projects fund warrant, number 6 , **totaling \$400.00** . All aye. Motion carried.

3. Motion to Move Funds – Whitton

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board **approves Resolution No. 23 of 2023 the motion to move funds**. All aye. Motion carried.

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4. Supervisor's Report

The March 2023 Supervisor's Report will be approved when the 2022 books are reconciled and the AUD is complete.

OTHER

None

PUBLIC DISCUSSION

None

ADJOURNMENT

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board adjourns the meeting. The meeting was adjourned at 8:01 PM. All aye. Motion carried.

Respectfully Submitted,

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

Carol-Jean Mackin,
Town Clerk