

This is the regular meeting of the Clinton Town Board held on this day in the Town Hall. Present were Supervisor Whitton, Councilmen Eliot Werner, Dean Michael, Chris Juliano and Katherine Mustello. Town Clerk Carol-Jean Mackin was also present. There were 13 people in the audience.

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

PRESENTATIONS:

Hudson Valley Community Power's Glen Weinberg and Jessica Strombach of Joule-the administrator of the program - to explain why we should enter new CCA agreement.

Supervisor Whitton: As we have discussed over the last several months, our Community Choice Aggregation program has been suspended due to the withdrawal of Columbia Utilities. This forced all of our residents in the program back to the default power supplier, Central Hudson. The current Central Hudson rate is nearly \$0.17/kWh, more than two and half times the rate we had under our Community Choice Aggregation program. Supervisor Whitton invited representatives from Joule Community Power to discuss the possibility of entering a new CCA agreement, and ways we can protect ourselves and our residents from a repeat of the situation we now find ourselves in. He introduced the speakers.

Glen Weinberg – immediately asked for questions, Chris Juliano said he heard from a lot of residents about the Town joining the CCA; he is not in favor of rejoining the CCA, the people felt they were pushed into it. Mike Whitton pointed out that we were all saving a lot of money on electricity with the program and the billing issues of Central Hudson are not due to the CCA going South. He wants Glen to address what safeguards are in place going forward to avoid this type of situation in the future.

Glen is looking forward to the next contract. The original contract rate was successful. Pointing out the first contract performed well against the Central Hudson rate and people saved a lot of money. They are now looking at contract structure going forward, including tightening up the contract, looking for disclosures, looking at the counterparties they will work with to have more confidence in them - with a track record and a solid balance sheet, although he admits that it is difficult to work around a contract with a counter party whose intent is to breach a contract. They are also looking at the parties they are willing to work with to create a small pool of vendors to consider. They are specifically looking at the issue of conflict of interest in the next round by looking at the way they are financially incentivized. We've seen extreme conditions in the markets recently and that affected Columbia's fixed rate. The new contract will address this by changing the way the new supplier is compensated to be a fixed kilowatt per hour rate that will be updated every quarter.

Eliot Werner, who is Columbia power? Glen said they are a supplier, the wholesaler and reselling it to customers. They had a track record; they represented well and met the criteria of the bid. Looking back, we would not have contracted with them.

Dean explained his professional work experience selling wholesale to Central Hudson; asked why didn't they have to lock into a fixed cost in selling wholesale. Why was there no surety bond? Glen said they represented that they did that. A bond has not been part of this business but

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we are looking at this now. Glen then discussed the pricing structure and building stability in the market.

Chris asked about Joule and commented that he does not believe in customers having to opt out of a program. He would support people opting in if they want it.

Glen, 17.3 cents/KW from Central Hudson is now the default electricity. 10 cents more than Joule's. The town taking a step to offer the default electricity with a stable rate with renewable energy is a better default option than central Hudson.

Katherine Mustello, what is the plan to go forward? Glen - new approach, change suppliers' compensation to address conflict of interest, stable rate for shorter periods and then it adjusts, ... The rate will adjust every four months with the new prices and the chance to opt out.

Mike Whitton, what is the next steps for us? Glen said he needs a public outreach to say the town is exploring this option, which is a requirement for a new CCA contract. A paragraph to that end will be put on the web exploring the possibility of a new CCA contract.

APPROVE MINUTES

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the October 11, 2022 Town Board meeting. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the October 13, 2022 General Fund Workshop. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the October 19, 2022 special Town Board meeting. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Michael to approve the minutes of the November 2, 2022 Public Hearing. All aye. Motion carried.

PUBLIC DISCUSSION

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

Katerina Maxianova – read from a letter re: Cornerstone and a current Article 78 involving Cornerstone. At a previous meeting she asked the town board if they were going to defend the lawsuit and the answer was yes and reading the agenda it appears the town is going to instead negotiate with Cornerstone. She reviewed the process of the Cornerstone's expansion over the years which she feels has occurred illegally and without any consequences. Her feeling is they operate above the law. Reviewed the ownership history saying the current owners knew they were a non-conforming use with a permit for 68 beds with no opportunity to expand. They increased by 50 percent anyway. The Town issued a violation letter in August of 2021 and instead of addressing it, Cornerstone reacted by stating they are not subject to the town code and the town proved them wrong, as determined by the ZBA who said they had to return to the 68 beds. Cornerstone responded by suing the ZBA. She feels they subsequently mounted a campaign of lies saying the community wants to shut them down. She is concerned that

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the town board will sit down and try to make a compromise with them when the ZBA determined they must return to 68 beds. She points out that in August Cornerstone was in the middle of a sale, she alludes to the future owner and will forward information she has gleaned on them although she does not articulate her thoughts aloud. She is opposed to any increase in density. Asks the board to consider the residents as well as the corporation that is Cornerstone. Reminds the town board that the ZBA members are the key respondents in this case and have made their decision.

Lee Lefkowitz, atty for Cornerstone, points out that the item on the agenda is to set a public hearing on the proposed amendment, feels this is not the time to discuss the substance of the amendment. It's not accurate to say that cornerstone was violating the law. The amendment is to clarify what the law is, he comments that is his view, The ZBA felt constrained by the law that prohibited any expansion in bed count and the purpose of this amendment is to clarify that a preexisting use can expand without losing its preexisting condition. Asks the town board to go forward tonight to have a public hearing on this amendment.

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

SUPERVISOR'S COMMENTS: Supervisor Whitton:

The Clinton Town Offices, Highway Department, Justice Court Office, and Court will be closed for the Veteran's Day holiday on Friday, November 11. The Clinton Community Library will be open that day. Town offices and the library will be closed on Thanksgiving and the day after Thanksgiving, November 24th and 25th.

The Town of Clinton Food Pantry at the Pleasant Plains Presbyterian Church is conducting a food drive for the Thanksgiving holiday. They are accepting traditional Thanksgiving side dishes, canned good, and non-perishables. Donations can be dropped off at the side door of the church at 2 Fiddlers Bridge Road or at the Town Clerks office from 9am to 4pm, Monday through Thursday. Donations are being accepted until November 21st.

The Town Supervisors office is hosting a Holiday Toys drive. We are collecting new unwrapped toys for children of any ages through December 1st. If you would like to receive any toys, please call 845-206-1668. If you have any questions about donating toys, please call Cathy Gallinger at 845-266-5721 x130

The recreation department is partnering with Pine Plains to offer Clinton residents an opportunity to join the ski and snowboard club. This includes six Saturdays of night skiing, starting January 7th, for \$132. Lessons may be added for an additional \$84, and rentals may be added for an addition \$132. There is also a night skiing season pass being offered for four nights per week for the whole season for \$169. These are all discounted rates you can get by joining the ski club. To join, please contact Liz Tegtmeier at liztegt@gmail.com. You can also visit the recreation page of the Town of Clinton website.

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The Town of Clinton Tree Lighting Ceremony will be on Friday, December 2nd at 4:30pm. There will be a parade of firetrucks, an appearance by Santa Clause, and refreshments provided by the Clinton Community Library.

Finally, I would like to take a moment to acknowledge Marge Tompkins and Town Clerk Carol Mackin for their volunteer work with the National Alliance on Mental Illness (NAMI). Both Carol and Marge assisted in hanging and displaying ribbons, not only in the Town of Clinton, but in Poughkeepsie, as well. Carol also ensured the Town Board proclaimed the month of May “Mental Health Awareness Month” in the Town of Clinton.

Over the last few years there has been an increase in mental health crises, and NAMI tries very hard to recognize all of their volunteers that assist in all different ways. This year, Carol received an award from NAMI and a letter of thanks from State Senator Sue Serino. On behalf of the Town of Clinton, I would also like to express my thanks and appreciation to Carol Mackin for her volunteer efforts in our community and others, helping to make sure people are not suffering alone, and that they receive the help they need and deserve.

TOWN BOARD REPORTS: Town Board reports are posted on the web:

Townofclinton.com, including: PLANNING BOARD, ZBA, CAC, CLIMATE SMART TASK FORCE, RECREATION, BUILDING INSPECTOR, ZONING ADMINISTRATOR, HIGHWAY, SCENIC AND HISTORIC ROADS, LIBRARY, ALTICE, ZONING REVISION, CEMETERIES, PROPOSED TRANSMISSION LINES, OTHER (QUARTERLY: WIC, SAFETY)

Eliot Werner – reviewed the PB minutes, and the ZBA minutes. The ZBA wants the town board to visit the issue of allowing water in accessory buildings.

Katherine – the library board should be pleased the 414 passed last night.

Dean coming to an end of the zoning review, meeting next Wednesday for a final review before we send it to the lawyer and the county planning for review.

Chris Juliano, complimented the Rec committee, announced Saturday’s hike at Wilcox Park. Rec participation in their program is growing so if you are looking to join a program or join the Rec Committee to help plan for the future, contact the Town Clerk. Proud of the group.

OLD BUSINESS

1. Adopt 2023 Budget – Whitton

Supervisor Whitton: Since the approval of the Preliminary budget, the only changes made to the budget were in the recreation department, making it possible to hire an assistant recreation director. This final budget will allow the town to keep up with historic inflation, while maintaining our vital services to the community. The tax rate for 2023 will see a 9.88% reduction from \$2.11 per \$1000 of assessed value to \$1.90.

If this final budget does not pass for any reason, state law dictates that the last approved version of the budget will take effect. That would be the Preliminary Budget that the Town Board that was unanimously approved on October 19.

MM Supervisor Whitton, 2nd Councilman Juliano to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 45 of 2022, titled: A Resolution Adopting a Budget for the Fiscal Year commencing January 1, 2023 and ending December 31, 2023 making appropriations for the Conduct of the Town of Clinton Government and Establishing the Rates of Compensation for Officers and Employees for such period.** All aye, except Councilman Michael who voted Nay. Motion carried

2. Discuss Welsh Sanitation/Transfer station– Whitton/Mustello

On September 8, Welsh sanitation notified the Town that they would cease operating our transfer station on January 1, 2023. This leaves us with the dilemma of figuring out how the Town would like to move forward. Supervisor Whitton has done a financial analysis of the costs associated with running our own transfer station, and provided that to the board.

The estimated cost for running the station, including garbage, recycling, and employees to run the station, is about \$71,000 for 2023.

The estimated income generated from the current fee structure and the total average weekly garbage estimate from Welsh is about \$36,000. This would result in a \$35,000 operations deficit for 2023. As discussed earlier tonight, we are anticipating the need to exceed the 2023 tax cap. Adding an additional \$35,000 expense would only force us to collect even more taxes.

Mike Whitton asked Katherine Mustello for her update, she was trying to see if Welsh Sanitation would give a discount for the town, with no great response. Mike Whitton – said the number of people using the transfer station has declined. Eliot Werner said if we do nothing, people need to make their own arrangements. This was Welsh Sanitation’s choice to close the transfer station. Chris Juliano said he heard from some residents who complained getting the garbage bins out to the road would be problematic but, it is not financially viable for Welsh to maintain the transfer station.

NEW BUSINESS

1. Approve Highways Materials Going to Bid – Mustello/Michael

MM Councilman Michael, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves the following resolution: the Town Board authorizes the Town Clerk to advertise for sealed bids for highway materials; the sealed bids are due by 10:00 am on Monday December 5, 2022 and awarded at the regular Town Board meeting on Tuesday, December 13, 2022 to the lowest responsible bidders whose bid has been filed in conformity with this notice. All aye. Motion carried.

2. Approve introducing Local Law: Amendment to Section 250-31 of the Town Code – Alternate Care Facilities – Whitton

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MM Supervisor Whitton, 2nd Councilman Michael to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 46 of 2022, titled: Introducing proposed Local Law No. _____ of 2022 of the Town of Clinton entitled “Amendment to Section 250-31 of the Town Code – Alternate Care Facilities”, and**

BE IT FURTHER RESOLVED, that a public hearing be held on the proposed local law at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck, New York on Tuesday, December 13, 2022 at 6:00 p.m., at which hearing parties in interest and citizens shall have an opportunity to be heard. Dean Michael commented that this is just to have a public hearing, Eliot Werner read from the resolution saying the resolution says more, “... is necessary and in the best interest of the Town in order to protect the health, safety and welfare of its’ citizens...” Mike Whitton said every law we introduce says this to which Councilman Juliano agreed. All aye except Councilman Werner who voted Nay. Motion carried.

3. Approve returning escrow 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. 47 of 2022 authorizing the return of unused escrow funds.** Supervisor Whitton thanks Cathy Gallinger, Eliot Werner and Arlene Campbell for their work on this issue. All aye. Motion carried.

4. Approve Support for the development of the Natural Resources Inventory (NRI) - 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. 48 of 2022, titled: Support for the development of the Natural Resources Inventory (NRI) and authorizes the submission of an application for technical assistance to the Hudson River Estuary Program.** All aye. Motion carried.

OTHER ITEMS

1. Resignations and appointments

Resignations:

MM Supervisor Whitton, 2nd Councilman Michael to accept the letter of resignation of Ryan Mackin as Laborer effective November 6, 2022. All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Werner to accept the letter of resignation of Jamie Susczynski as MEO effective November 6, 2022. All aye. Motion carried.

Appointments:

Tim Horton extension of current position/Highway payroll

MM Supervisor Whitton, 2nd Councilman Juliano to extend the appointment of Tim Horton as Seasonal Groundskeeper from November 1, 2022 to December 31, 2022 at a rate of pay of \$15.30 per hour for 24 hours per week paid from code D5110.132. All aye. Motion carried.

Andy Cooley extension of current position/Highway payroll

MM Supervisor Whitton, 2nd Councilman Michael to extend the appointment of Andy Cooley as Seasonal Groundskeeper from November 1, 2022 to December 31, 2022 at a rate of pay of \$15.30 per hour for 24 hours per week paid from code D5110.132. All aye. Motion carried.

Eliot Werner commented that they are doing great work on the cemeteries.

Tim Lawlor New Hire to Laborer

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board appoints Tim Lawlor as FT highway laborer effective November 7, 2022 at a rate of pay as per the CSEA contract for \$1 less than the starting contract rate for 2022 of \$18.10 per hour for a period of 6 months or 1000 hours starting November 7, 2022; full medical, eye and dental coverage with an employee contribution of 15%, and paid leave benefits as per the CSEA contract. All aye. Motion carried.

Ryan Mackin promotion to MEO

MM Supervisor Whitton, 2nd Juliano to promote Ryan Mackin to the position of MEO, effective November 7, 2022 with a rate of pay as per CSEA Contract of \$21.15 per hour, and full medical eye and dental coverage with an employee contribution of 15%, with paid leave benefits as per the CSEA contract. All aye. Motion carried.

Jamie Susczynski promotion to HMEO

MM Supervisor Whitton, 2nd Councilman Juliano to promote Jamie Susczynski to the position of HMEO, effective November 7, 2022 with a rate of pay as per CSEA Contract of \$24.19 per hour, and full medical eye and dental coverage with an employee contribution of 15%, with paid leave benefits as per the CSEA contract. All aye. Motion carried.

2. Approval of Warrants – Michael

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

the **November General Fund Warrant**, vouchers numbered 511 through 564 , totaling \$ 48,507.12

the **November Highway Fund Warrant**, vouchers numbered 247 through 277 , totaling \$ 90,013.34

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. 49 of 2022 a motion to move funds at the November 9, 2022 Town Board meeting**. All aye. Motion carried.

4. Supervisor's Report

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MM Supervisor Whitton, 2nd Councilman Werner to approve the Supervisor's Report for October, 2022. All aye. Motion carried.

PUBLIC DISCUSSION

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

Debra Valchar – likes the idea of sharing garbage pickup, a parent in Connecticut did so and they started their own garbage pickup. Asks if Clinton can come together with other towns to provide service. Mike Whitton said Welsh is backing out of every town. She expressed concern about the aggressive STR expansions. She feels it is a business taking over Clinton. They are killing the community by buying up properties to rent; can we limit them? We are losing a neighborhood. Dean said a safety net in our law was to limit two STR places per person. Mike said we see there are ways around that, we have given permits for 40 properties, acknowledges that they are problematic. Mike has had discussions with colleagues to change the law to limit certain issues. Ms. Valchar will take Supervisor Whitton's advice and call the ZEO and let him know her concerns.

Bob Trazinski- update on electricity? Mike said Joule representatives was here and we are starting the process to explore a new CCA agreement. They are trying to structure the agreement for payments to the suppliers that is a win.

Brad Cole – re the local law amendment to town code, trying to understand the law. Mike Whitton explained the language in the law and described what a special use permit does; it puts lots of rules on a permit. Our comprehensive plan says a preexisting non conforming use is one we want to eliminate, but we want these to be conforming and allowed, that is the reason for the proposed the law we will have a public hearing next month and everyone can have their say.

Jeff Branzberg – he thought anyone needs to apply to the Planning Board to change anything about their property. Mike Whitton said right now Cornerstone cannot get a special use permit. Chris Juliano added that right now they are non-conforming and we are trying to get them into compliance with a long-term solution. Jeff said there are non-conforming properties that have to apply for a permit so he does not understand the need for the law and he said the ZBA ruled so why are they ignoring that? Dean Michael commented - as an example, there was previously a junkyard, not allowed, they could continue with that non-conforming use. To get them into compliance, we went into negotiations to change some things to give a long-term solution for the non-conforming use where it no longer exists. In this case, we took cars from outside and allowed a building to be built to house the cars eliminating the environmental issue and the current owner can operate, but if the property changes hands, the junkyard will cease. Eliot Werner added to the junkyard discussion: what started that discussion was that the owner wanted a permit and it led to discussions about how to get compliant. Mike Whitton said relative to Dean Michael's comment that our goal is not to put Cornerstone out of business.

Randi Sakheim – confused with the Cornerstone situation, they have already gone above what they were allowed to do, why are we going through this again? Seems there are

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rules for those with lawyers and rules for everyone else. Mike Whitton said the ZBA made the decision based on the letter of the town code, which we sometimes then change if we feel the laws are not giving us what we think is right. Chris Juliano added that the ZBA made their decision on the Code's guidelines but there continues to be an issue. Ms. Sackheim wants Cornerstone to comply at 68 beds, that was the decision. Mike Whitton added that there were issues around Cornerstone; the ZBA did not address any residents' complaints in their decision, we will address those issues going forward in the public hearing.

Kat Maxianova – what is the process to update the STR law? Mike said it is in the initial stages, perhaps in the next couple of months. Mike said it took 10 months for the law to be created by Town Board and Planning Board members with public input. Kat suggested the public have input on this current proposed law discussed tonight. Mike Whitton assured her no one is being cut out of this process. Dean Michael added that Cornerstone had no input in the law.

MM Supervisor Whitton, 2nd Councilman Michael to 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 8:01 PM. All aye. Motion carried.

Respectfully Submitted,



Carol-Jean Mackin,
Town Clerk