

September 12, 2023 PH & Town Board Meeting

## **PUBLIC HEARING**

September 12, 2023

Schultzville, NY

A public hearing on proposed local law No. 4 of 2023 was continued on this day in the Town Hall. Present were Supervisor Mike Whitton, Deputy Supervisor Eliot Werner, Councilmen Dean Michael, Chris Juliano, Katherine Mustello, and Acting Town Clerk Arlene Campbell. Town Clerk Carol-Jean Mackin was absent. There were approximately 19 people in the audience.

## **PLEDGE OF ALLEGIANCE**

At 6:15 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance.

## **PUBLIC HEARING**

**The public hearing on the local law was left open for additional comments from the August 8, 2023 public hearing date.**

Supervisor Whitton stated that the Town Attorney and the ZEO are still working on the latest comments of the proposed farm operation local law. Public Hearing is still open and will be left opened into October.

MM Deputy Supervisor Werner, 2nd Councilman Michael to open the floor for additional public comment. All aye. Motion carried.

Graham Trask, Fiddlers Bridge Road asked what is the reason of the proposed local law. How does this differentiate from Ag and Markets Law? Doesn't the state law protect farmers? Sec. 251 of the town law is shorter and the proposed local law is quite longer. This sounds like it's regulated more.

Katherine Mustello responded that the town decided to craft a separate farm operation local law during the zoning revision since the current regulation is too broad. The town values the farmers and wants them to continue operations and allow them to do more. For instance, slaughter operation is not allowed on the current regulation but will be allowed on the proposed regulation.

Jeff Newman, MCEI, added that the new law will allow farmers to do more. The new law will allow farm operations to be principal use and restaurant use as an accessory use on farm operation.

Mr. Trask asked about the labor on farm law. How does it work? Does it need a building permit to build farm housing? Does the town still need to regulate it? Mr. Newman responded that farm housing always needs a building permit. All buildings need to comply with the building code. The current law does not allow farm housing. The new law will allow it and will make it easier to get farm housing. It will make it easier for the Planning Board and Zoning Board of Appeals to review the application.

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Ed Pells asked if pubs can also be constructed under the new law. Katherine Mustello responded that tasting room will be allowed but not sure about the pub. Jeff said that the goal is to promote agricultural farm business. If you are a legitimate farm operation, then the town supports that.

Stacy Higgins said that Sec. 250.45 was adopted in 2021, she asked if this law is replacing the Ag Event law. The original law does not allow restaurant. She asked. "What changed?" She thinks the section for farmers should be on separate law.

Mike Witton said that these suggestions are duly noted.

Dean Michael said that the new law is replacing some of the language but also adding more to it.

Jeff Newman said that Ag Event Law is a standalone law. Farm operations should meet the farm operation definition. If you're selling your agricultural products but you are not in the Ag District, then you are not farming operation. He discussed some of the conflicts/items that he and the town attorney are still trying to work on. He discussed the difference between the roadside stand and farmstand. Regarding separating the farm housing, he recommended to still holding it in there so it's in one section.

Ray Oberly commented that you added a lot of features to the new law such as tasting room, He said to go back to the master plan, you cannot have any zoning issues that are not in the comprehensive plan. It needs to be on the comprehensive plan so that it will be in agreement with the zoning in case it get challenged in the court.

Mike Whitton said that the zoning revision has been in the process for over 9 years so comprehensive plan can be revisited next. Dean agreed that it needs to be revisited.

At 6:43 PM, there being no further comments, MM Supervisor Whitton, 2nd Councilman Werner to keep open the public hearing to **October 10, 2023 at 6:00 PM for further comments**. All aye. Motion carried.

**(FYI: Other public hearings, Also on October 10th: PH Tax Cap Override is 6:15; CDBG is 6:25)**

**ADJOURN**

At 6:44 PM, MM Supervisor Whitton, 2nd Councilman Werner to adjourn the meeting. All aye. Motion carried.

Respectfully submitted,

*Arlene Campbell*

Arlene Campbell  
Acting Town Clerk

**REGULAR TOWN BOARD MEETING**

The Clinton Town Board held the Regular Town Board meeting on this day in the Town Hall. Present were Supervisor Whitton, Deputy Supervisor Werner, Councilman Michael, Chris Juliano and Councilwoman Mustello. Acting Town Clerk Arlene Campbell was also present. Town Clerk Carol-Jean Mackin was absent. There were approximately 17 people in the audience.

Supervisor Whitton called the meeting to order at 6:45 PM and led the Pledge of Allegiance.

### **APPROVE MINUTES**

MM Deputy Supervisor Werner, 2nd Councilman Michael to approve the public hearing minutes from August 8, 2023. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilman Michael to approve the minutes from the regular meeting of August 8, 2023. All aye. Motion carried.

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

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

Jeff Newman thanked the previous supervisor about his comment about the comprehensive plan. Part of the goal of the town is to maintain the character of the neighborhood.

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 said that the town offices will close on October 9, Library will still be opened, Sept 30 ECFD Surf and Turf Dinner is happening.

Presbyterian church is also a food pantry, he asked if anybody who wants to donate and gave phone numbers for more info.

### **DEPUTY SUPERVIOR COMMENTS**

Eliot gave an update about the proposed speed limit reduction on Salt Point Turnpike. He discussed the packet that he and the town clerk put together that was submitted to the county. They secured letter of support from various neighboring properties such as Clinton Historical society, the school, etc. Hopefully the letters of support will make a difference with this petition. There will be only one voting location in the town (Town Hall). He thanked Mr. Slazewski, from Sterling Pump who volunteered to replace an old pump for watering at Pleasant Plains Cemetery. Thanks Lori Brands for making this happen.

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

Recreation Director Dan Harkenrider –

Last meeting was held on August 28, 2023 at Friends Park. Walking club is looking to change their meeting days to Wednesdays at 9 am. This month's hike will be at Greig Farm in Red Hook, 9 am this Saturday, Sept. 16, meet at the Town Hall at 8:30 am for car pool. Volleyball continues Wednesdays but now starts at 6 pm through September. After that it's possible to play indoors through the Rhinebeck Recreation Committee. He also thanked everyone who stopped by their booth during the Community Day. Your donation will help fund improvements at Friends Park including new tennis, pickle ball court and playground equipment. Rec Committee is also working on the development block grant application that will help fund the Friends Park projects. He also discussed the vandalism that is going on around our parks including the Community Day welcome booth that was set on fire.

Eliot gave his report as posted on the website.

Dean deferred his report to Katherine, not much on zoning revision.

Katherine asked Todd to give reports about highway. Silver Lake Rd., Lake Drive, completed; on the dirt roads, they've been bringing gravel that been washed out from heavy rains. Lawn mowing is still going. He is still negotiating with the County for snow and ice control, Community Day was a huge success, he thanked all the volunteers who helped.

## **OLD BUSINESS**

### **1. Discuss LL 4 Article V Supplementary Regulations § 250-51. Farm Operations – Werner**

Still a work in progress, public hearing to be continued in October, he solicited more comments. Dean suggested that if there will be a final product, they should hold the public hearing again and should start at 6 pm. Mike Whitton says the public hearing starts at 6 pm.

### **2. Approve taking up matter revising the motion regarding Highway Dept. personnel records – Whitton**

Chris Juliano suggested that personnel files should go back to Todd while everything is not online, as of now. The Town can pass a resolution that only certain people can access the files. This will give more access to both offices. Todd said that only old records are online. Dean said that these files were supposed to be returned in May. This is now a violation.

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Mike and Eliot remarked that they did return the files. Todd said that they still didn't have everything. He just wants personnel files. The Board agreed for Todd to go to Mike's office on Sept 19 at 10 am to compare files to make sure Todd has everything.

### **3. Discussion on cameras in Fran Mark Park – Whitton**

Mike discussed recent vandalism on both parks. He talked about the location of camera and where to add more, it will take some money, Mike will add this to budget 2024. Katherine suggested funds from ARPA funds.

The Board discussed the best location to put the camera to catch the perpetrator.

Dean said that we have this issue ever since the basketball court was added. He suggested locking the gate again. Katherine said they need to also put the fence and suggested putting a high resolution camera. Mike said that another issue is extending the wifi, the board discussed the wifi coverage. \$130k left in ARPA and needs to be spent by the end of 2027. It needs to be dedicated by 2025. Mike wants to see it dedicated by 2025.

### **4. Approve Snow and Ice Control Agreement – Michael/Mustello**

No snow agreement per Todd, he said that all costs went up, they are still negotiating the contract, hopefully next meeting there is a contract. No action.

## **NEW BUSINESS**

### **1. Approve 2024 Budget Schedule – Whitton**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the 2024 Budget Schedule. Katherine appreciated the budget schedule in the packet given Dean and her missed the last budget meeting. Mike said that the budget schedule was posted online. All aye. Motion carried.

### **2. Introduce Tax Cap Override Local Law and Set Public Hearing – Whitton/ Werner**

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 41 of 2023 “A Local Law to Override the Tax Levy Limit for Fiscal Year 2024”** and that that a public hearing be held for this proposed local law at the Clinton Town Hall on **October 10, 2023, at 6:15 o'clock p.m.** where all interested persons can be heard. Mike Whitton said that he doesn't intend to exceed the tax cap this year. All aye. Motion carried.

### **3. Approve Public Hearing for 2024 CDBG Application – Whitton/Werner**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the

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following resolution: BE IT RESOLVED that the Town Board approves holding a public hearing for the purpose of hearing public comments for the use of CDBG funds at the Clinton Town Hall on October 10, 2023 at 6:25 o'clock pm. All aye. Motion carried.

#### **4. Approve Assessor's and Judges attendance at Conference – Whitton/Werner**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the attendance of Town Justices Barbara Seelbach and James Brands to mandatory judicial training, scheduled to take place from October 1 – October 4, 2023 at a cost not to exceed \$2500.00 All aye. Motion carried.

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the Assessor's attendance at the 2023 NYSAA Annual Conference from 10-3-23 to 10-6-23 at a cost not to exceed \$600. The cost is shared between Clinton and Town of Somers. Mike said that we are spending \$600 out of \$1,900, so we're the good at the end of it. All aye. Motion carried.

#### **5. Approve Bee Bee the Clown at Community Day – Whitton/Werner**

MM Supervisor Whitton, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves hiring Bee Bee the Clown for Community Day at a cost not to exceed \$400 with a certificate of insurance already received and on file in the Town. All aye. Motion carried.

#### **6. Discussion of vandalism to Community Day Welcome Booth – Whitton/Werner**

Dean said that the Community Day welcome booth was set on fire and there were other stuff damaged around Town. This vandalism is getting out of hand. The public needs to know. Eliot said that there is no camera out there where the incident happened.

#### **7. Discussion of STR Law – Whitton**

Mike Whitton discussed the short term rental law, since 2020, there is room for improvement. He solicited comments and suggestions that would improve the law and hopefully can be looked at the next meeting, Half of the town has applied, it seems that the law is working. He welcome comments from everyone. Katherine echoed his comments.

#### **8. Approve Tax Cert Stipulation – Michael**

MM Supervisor Whitton, 2nd Councilman Juliano that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 42 of 2023**, authorizing the attorney for the Town of Clinton, Shane J. Egan, Esq., to enter into a settlement agreement with the attorney for petitioner, Allan B. Rappleyea Esq., the terms of which are set forth in the attached Consent Judgment and hereby authorizes Shane J. Egan, Esq., to sign said Consent Judgment on behalf of the Town of Clinton. Dean said that the first process is talking to the assessor then BAR, he discussed the process of grievance. All aye. Motion carried.

**OTHER ITEMS**

**1. Resignations and appointments – Werner**

MM Deputy Supervisor Werner 2nd Councilman Juliano that the Town Board appoints Angelo Sblendorio as PT Constable effective September 12, 2023 at a rate of pay of \$23.87 for a maximum of five hours per week. All aye. Motion carried.

**2. Approval of Warrants**

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

**September General Fund Warrant**, vouchers numbered **462 through 526 totaling \$ 45,795.42**  
and the

**September Highway Fund Warrant**, vouchers numbered **222 through 255, totaling \$ 323,896.94**

**September Capital Fund Warrant**, vouchers numbered **11 - 16, totaling \$ 163,629.13**  
All aye. Motion carried.

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

MM Deputy Supervisor Werner, 2nd Councilman Michael that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **Resolution No. 43 of 2023 a motion to move funds**. All aye. Motion carried.

**4. Supervisor's Report - Whitton**

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the final Supervisor's Reports for August 2023. All aye. Motion carried.

**OTHER:**

Katherine suggested time clock on the next agenda, Chris and Dean agreed.

Chris Juliano suggested discussing salaries, he wants the public to know that over the past years, the Town Board has been bringing salaries up to speed. Last year, the Board made the adjustment about longevity, there was a discussion about the pay for the two secretaries (Highway and Supervisor). He commented about the salary of the Town Supervisor Secretary position which skyrocketed from the previous Supervisor time was not approved by the Town Board. He reiterated his concern about the Highway Clerk's salary. He feels that the Highway Clerk's position is of the same level at the Supervisor's Secretary. He said that these positions are not Clerk's position, they are both secretaries,

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he talked about who has more responsibilities, he said that these are not really clerks position, these are secretaries from appointed positions, he is deeply concerned about the proposed budget in cutting the hours of the highway clerk from 32 to 20 hours, it's deeply concerning, he thinks they are both equal, he feels that there is a power struggle, he feels that the supervisor secretary has more play, they are both appointed by their respective bosses, he doesn't think this is fair. He also commented about the discussion about the highway clerk putting time in tow work on Community Day. He feels that everyone in the town should have time to give for Community Day. He suggested that these two positions should be equal. He said that the Town Board did bring people up and acknowledged Mike for staying under the tax cap this year. He supported the 3.25% increase this year.

Mike Whitton said that no matter what his speech sounds like, he is running the show and not his secretary, there is a big difference between someone's ability and their job description, the secretary of the highway does not involve bookkeeping. Chris said that he can prove that the highway secretary is doing bookkeeping, he feels that there is a vendetta going on from previous administration that carries on. He said that there is petty stuff that is going on, and the Board can end it.

Eliot and Chris acknowledged Arlene for filling in the absence of the Town Clerk.

**PUBLIC DISCUSSION -**

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

Ray Oberly said that Kansas Road is a disaster. He finds this road is unsafe, cross washout, they put heavy stone on the road and there is a wash out. He hopes no one gets hurt as it will be hard to get somebody to hospital. The stone is to look good, is a lot of money, but not safe.

Mike Whitton said that he had a discussion with Mr. Calsi about Kansas Road.

Dean said that the highway department can't find the washout right away, he thinks that the best solution is paving it. He thought that this road was paved before, and it was taken out.

Chris said that this is a user road, so they need permission from the town residents to pave.

Ray Oberly expressed his strong concern. He suggested that the highway should know how to fix the road; consult the town engineer. Chris said that the town met with the Town Engineer and cannot move forward given the easement when they sat down, the homeowner would not agree to the easement.

Ray Oberly said about the roadside mowing that needs fixing, someone from the highway department ordered brush hog from Albany to mow the roadside, a brush hog goes behind a mower, it's made for fields, not roadside mowing. This is incompetent, they should not order this. That is a waste of money.



Katherine Mustello said that Todd has been under budget for as long as she's around, Todd is not overspending. Ray knows the budget for he did the budget and taught Todd how to do it.

Ray Oberly asked about Macadam on Schultz Hill Road, In the 2022 budget, the road was supposed to be macadamed, then Todd moved the macadame to Allen Road, then all of a sudden Allen Road is macadam and Todd left Schultz Hill Road undone. Todd put oil coat on Schultz Hill Road, which wasn't identified to the community, no public notice. The road is a mess and patches on the road, people got a lot of oil on their cars, this is a waste of money, it's not a good job. It's a lot of money.

Todd Martin said there is 17 miles of dirt road in the town. It's hard to keep track of washouts. They found another tractor and found one in Albany and agreed with Ray, they returned it. As far as Schultz Hill, that was part of 284 agreement when it was presented.

Ed Pell of Long Pond road, said that the NYS has Climate Aware Community, are we complying on energy use? Mike Whitton said that we are given 200 things- to -do - list, one of them is the inventory of the community, they have chosen not to do that one. We have a Climate Smart Community Committee, the Committee has meetings and they are following the government operations, as opposed to the community inventory. They looked like they are going get grants as they will meet the Bronze status. Eliot said that the Committee meets on the 4<sup>th</sup> Wednesday of the month.

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

### **ADJOURNMENT**

MM Deputy Supervisor Werner, 2nd Councilman Michael that the Town Board adjourns the meeting. All aye. Motion carried.

**The meeting was adjourned 7:52 at PM.**

Respectfully Submitted,

*Arlene Campbell*

Arlene Campbell  
Acting Town Clerk