

May 14, 2024

Schultzville, NY

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 Dykas, Councilwomen Mustello and Councilwoman Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately seven people in the audience.

Supervisor Whitton called the meeting to order at 6:30 PM. **(Pledge done earlier)**

### **APPROVE MINUTES**

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello approve the April 9, 2024 Public Hearing minutes Farm Law. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the April 9, 2024 Town Board meeting minutes. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Auspitz to approve the April 30, 2024 special Town Board meeting minutes. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the May 10, 2024 bid opening minutes. All aye. Motion carried.

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

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

Ray Oberly, read by Eliot Werner: I, Ray Oberly, continue to request the allocation of ARPA Funds to install the requested standby electric generator to provide electricity for the whole Town Complex. As I previously stated, this generator is needed to run the computers, lights, elevators, heat/cooling, water, and bathrooms. The ARPA Funds are clearly known available funds. Grants for standby generators are not easily obtained. Thanks for your help in reading this message for me.

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**

Deputy Supervisor Werner read them aloud on behalf of Supervisor Whitton:

- Town Offices, highway, court, Library closed Monday 27th for Memorial Day.
- Annual Dutchess County hazardous material collection is May 31st, Registrations closed.
- May is Mental Health Awareness Month. The mental health helpline is free and confidential and available 24/7: Dial 800-662-4357 for individuals and their families.
- Working on a replacement for animal control services, the SPCA contract ends as of June 2<sup>nd</sup>, we are working on and Intermunicipal Agreement to cover this service.

- CCA program presentation is on the Town YouTube channel or call or email Joule for more information. 845-859-9099 or [info@hudsonvalleycommunitypower.com](mailto:info@hudsonvalleycommunitypower.com)
- The Library book sale is this weekend.
- Susan deHaan has been chosen 2024 EMS mentor of the year by Dutchess County.
- ECFD selected as 2024 EMS Agency of the year by Dutchess County.
- Town Clerk Carol Mackin chosen to the 2024 Town Clerk's Honor Roll.

#### **Deputy Supervisor comments**

- Rec park passes are available to check out at the Library.
- Community garage sale is May 25<sup>th</sup> at Fran Mark Park - free to set up at the Park. Head lifeguard Samantha Campbell will coordinate.

#### **TOWN BOARD REPORTS:** Posted on the web, [townofclinton.com](http://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)

#### **Councilwoman Mustello –**

- CAC – NRI maps are now mounted and in the Masonic Hall. They will be at the book sale to view this weekend.
- Planning Board – report on file, posted on web.
- ZBA – report on file, posted on web.

#### **Councilwoman Auspitz –**

- Highway - report on file, posted on the web. Thanks from the Library for the help they provided carrying books from the basement.
- Library – book sale and plant sale coming up. May 17-19.

#### **Deputy Supervisor Werner –**

- Building Inspector - report on file, posted on the web.
- MCEI – No report.
- Recreation Committee –
  - pediatric first aid cpr class was held.
  - 3 by 3 basketball tourney on May 25 at Fran Mark Park.
  - The Rec Committee is supporting the community yard sale.
  - 2024 Banners Up fundraising is in full swing, contact Dan Harkenrider if interested.
  - Hiking Club is hiking Roosevelt Farm Trail Saturday.
  - Check the recreation calendar on the web to rent the pavilion.
  - June 24 - next meeting.
- CSC - no meeting last month.

- SHRAC – had spring clean-up day April 20. Chair Rick McLaughlin thanks all who participated. Orders were taken for bulbs.
- Cemetery Committee - met to discuss cleanup plans and maintenance. They are hoping to do a gravestone cleanup at Schultzville Cemetery this year.

## **OLD BUSINESS**

### **1. Approve Farm Law – Werner**

MM Councilperson Werner, 2nd Councilperson Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 19 of 2024 adopting Local Law No. 1 of 2024, entitled “Revised Local Law Amending Town Code to Provide for the Regulation of Farm Operations and Agricultural Businesses”** a copy of which is attached hereto and made a part of this resolution; and Further that the Town Clerk be directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of this Local Law to the Secretary of the State of New York. The permit application is part of the law. All aye. Motion carried.

### **2. Approve Sexual Harassment Law – Werner**

MM Councilperson Werner, 2nd Councilperson Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 20 of 2024 adopting Local Law No. 2 of 2024, entitled “Local Law Updating Sexual Harassment Policy”** a copy of which is attached and made a part of this resolution; and Further that the Town Clerk is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of this Local Law to the Secretary of the State of New York. All aye. Motion carried.

### **3. Discuss Public Meetings Policy – Whitton**

We received a response from the Association of Towns and the Attorney is now reviewing the document. We will approve it in June with changes from the draft. We need to decide if it will be a policy or a law. Supervisor Whitton suggests it be a policy.

### **4. Approve bid for flooring of Town Hall basement -Auspitz**

Two bids were received on May 10<sup>th</sup> and the Town Engineer is checking references.

### **5. Approve introducing STR law update – Whitton**

MM Deputy Supervisor Werner, 2nd Councilperson Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board **approves Resolution No. 21 of 2024 introducing Local Law No. \_\_ of 2024, entitled “STR Local Law Update”** and sets a Public Hearing on Tuesday, June 11, 2024 at the Town of Clinton Town Hall, 1215 Centre Rd, Rhinebeck (Town of Clinton), New York at 6:25 p.m. Supervisor Whitton said there are a lot of changes, including replacing zoning administrator title with MCEI, we made renewals of non-

hosted the purview of the MCEI to save the Planning Board time and make it more Streamline. We added cesspool to all septic references and they need to be inspected every two years. Regarding the problem of LLC where the same person owns several STRs, we changed LLC to ultimate beneficial owner and they can only own two. STR added to the schedule of uses; the renewal process has changed from 90 to 30 days and a two week grace period if deficiencies are found. These changes were done with PB/ZBA Clerk Arlene Campbell and MCEI Jeff Newman. Accessory dwelling units as they relate to non-hosted STRs were in conflict with STR law so ADUs have been removed from definition of non-hosted STRs. It should make it tighter. We will talk about the fees and fines which Supervisor Whitton thinks should be increased. Councilwoman Mustello asked for clarification on the renewal timeframe. Councilwoman Mustello asked to look at fees from other towns as a reference. She suggests non-hosted fees should be steep and hosted fees to keep reasonable. Mike Whitton suggests the following regarding fines: first offense increase by \$1000, second offense to increase by \$1000; third violation he proposed an increase as well “from \$4000 to \$8000” to “from 5000 to 10,000”; they increase by the week. Planning and Zoning departments track the number of STRs and the fines. Councilman Dykas asked where the violations are recorded, Supervisor Whitton said violations are with the MCEI and they have certain amount of time to comply. Deputy Supervisor Werner still has a concern about absentee owners who use the property as a cash cow and don’t live here. He wants to see some way to differentiate. He gave an example of someone going south and renting their home for a number of months as opposed to someone who is never here. Supervisor Whitton said that absentee ownership is a very small number. Councilwoman Mustello said an option is to not allow non-hosted. Supervisor Whitton said the law requires there must be a local person as a contact. He thinks the number of complaints is small. Councilwoman Mustello said there were some complaints at the Planning Board and we had someone at the Town Board complain her neighborhood is not the same with the STRs. They are agreed that we have an enforcement issue due to manpower. All aye. Motion carried.

#### **6. Approve the installation of cameras at Fran Mark Park – Werner**

MM Councilperson Werner, 2nd Councilperson Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Janelli Security** installing video cameras at Fran Mark Rec Park at a cost not to exceed \$4000 using ARPA funds. Recreation Director Dan Harkenrider said Janelli is not a live feed, it’s on tape. The other quotes are live feeds with a monthly fee. The recording is adequate. We will go with four cameras plus we need to run electricity with conduit. Chris Juliano from the audience said a live feed makes sense and you can use solar power. Recreation Director Harkenrider disagrees with a live feed and asks who is watching the camera if they are live? Recreation Director Harkenrider will use the trail cameras, which are Fran Mark Park now, at Friends Park. Councilwoman Mustello suggests talking with the highway department to trench, which Recreation Director Harkenrider will do; we need to have electric installed. Jenelli can go live if we want that in the future. All aye. Motion carried.

#### **7. Discuss study on Kansas Road – Werner**

Eliot Werner described the water issues there. Kansas Rd. is undergoing road work to improve the infrastructure. Initial prep work has been done to the road so that material can be put down. The Highway crew has cleaned the ditches, runs offs, and culverts for

adequate drainage. A sub soil of screened shale has been laid to produce a stable roadbed. A top coat of gravel was then put down. A rented vibrating roller is being used to compress the material, fill any voids, and reduce any friction spots.

**8. Discuss installation of the Canopy on Schoolhouse building - Werner**

Eliot Werner explained that we are looking for an historically accurate canopy. We contacted five vendors, three are interested. Hopefully we will have the quotes by June.

**9. Discuss/Approve Evacuation Plan – Mustello**

We initially received a quote from Town Engineer CPL for \$5000, which all agreed was too expensive. We did receive other several inexpensive quotes for evacuation plans but they are based on old plans of our buildings which are not accurate so we are shelving it for now as it is not required by PERMA, our insurance agent.

**10. ARPA Update - Whitton**

Current Projects: Basement flooring, Town Hall windows and the highway garage doors: we will include this information in the ARPA update attachment. On solar panels, Supervisor Whitton is still collecting quotes. He will have a third quote by next month; it looks like the cost would be about \$27,000, budgeted for \$50,000 and we are looking to spend \$40,000. Thinking about where to mount them: two Board members want to add to what we have on the salt shed. One wants to put them on town hall building but the quote came in very high for that mounting location. One quote had the option to add a battery back up later on. The Schoolhouse canopy cost will come from ARPA; the Board discussed the timeline to spend the money or send unused funds back.

**NEW BUSINESS**

**1. Approve BI Notice of Unsafe Structures on Ruskey Lane – Whitton**

Supervisor Whitton described the dangerous situation on the properties: Any money we spend to secure the unsafe buildings is put on the owners tax bill.

MM Supervisor Whitton, 2nd Councilperson Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 22 of 2024 to adopt the Building Inspector's report officially reporting two unsafe structures in the town at 411 Ruskey Lane and 300 Ruskey Lane.** All aye. Motion carried

**2. Discuss EV charging station installation – Mustello**

They are very expensive to install and there are other problems. Thanked Highway Superintendent Martin and his Secretary Karchmer for meeting one vendor on campus. The big problem is there is not enough power in the existing panels so we need to bring in power. The charging stations rebates make it better to install 2 not 1. After all the rebates, it costs between \$11,000 and \$15,000 to put in the two stations. There are

companies who install for free and then they get the money for the charging which she can follow up with. She is concerned about how much use the stations would get. Councilwoman Auspitz asked is there a liability to having the chargers. Councilwoman Mustello said we have adequate insurance and added the charging stations would be as a service to the public. Deputy Supervisor Werner said the two quotes are different. Katherine Mustello said the more expensive one is the one who came to the campus. The other company used google earth. Supervisor Whitton said the power issue a good reason to have solar first. That might solve part of the power problem. With solar, if we use grants, the state will reimburse us and we can roll over that money to use for the EV stations.

### **3. Discuss Vehicle Usage Policy – Werner**

PERMA asked us to create a policy. Supervisor's Secretary Cathy Gallinger and Deputy Supervisor Werner worked on it together. The next step is to send to PERMA for their input. It will be sent to the Town Attorney for review as well.

### **4. Discuss Wetlands Moratorium – Werner**

Last meeting a resident talked about a wetlands moratorium that was passed in the town of Red Hook. Deputy Supervisor Werner looked into this for our town, he spoke with representatives from our CAC, CSC, Planning Board, the MCEI, Building Inspector and Town Attorney who all agreed we don't need it, we have a wetlands law that serves us well.

### **5. Discussion on New Dog Control Officer (DCO)– Whitton**

SPCA pulled out of the contract with all towns. We are working on an intermunicipal agreement to hire a DCO, this person previously worked for the SPCA. Councilwoman Mustello asked about housing picked-up dogs. Supervisor Whitton said housing is another issue. Housing may be handled by Rhinebeck, the person we are considering is working on this issue.

### **6. Approve agreement between TOC and WCFD for vehicle storage - Whitton**

MM Deputy Supervisor Werner, 2nd Councilperson Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the Agreement between the Town of Clinton and the West Clinton Fire District for vehicle storage while Station 2 undergoes renovation and authorizes, directs, and empowers the Town Supervisor to sign the agreement. The vehicles can be stored until December 15, 2024. WCFD should correspond with both Supervisor Whitton and Highway Superintendent Martin. All aye. Motion carried.

## **OTHER ITEMS**

### **1. Resignations and appointments – Werner**

MM Deputy Supervisor Werner, 2<sup>nd</sup> Supervisor Whitton to appoint Rhodie Niblack as Constable effective May 14, 2024 at a rate of pay of \$24.65/ hour. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to promote Ryan Mackin to the position of HMEO, effective May 6, 2024 with a rate of pay as per CSEA Contract of \$25.73 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.

MM deputy Supervisor Werner, 2nd Councilperson Auspitz that the Town Board approves **Resolution No. 23 of 2024, Appointment of Summer Employees.** All aye. Motion carried.

## **2. Approval of Warrants - Mustello**

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

**May General Fund Warrant**, vouchers numbered **215 through 284** totaling \$ **60,485.56**

**and the**

**May Highway Fund Warrant**, vouchers numbered **113 through 144** totaling \$**66,400.67**. All aye. Motion carried.

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

MM deputy supervisor Werner, 2nd Councilperson Dykas that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 24 of 2024 a motion to move funds.** All aye. Motion carried.

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

MM Deputy Supervisor Werner, 2<sup>nd</sup> Councilman Mustello to approve the Supervisor's Report for April 2024. All aye. Motion carried.

## **OTHER/ANNOUNCEMENTS:**

The Town of Clinton received an award for 30 years of being part of PERMA.

## **PUBLIC DISCUSSION**

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

Jeff Newman- MCEI congratulates the Board on passing the Farm Law. It will be a huge benefit to the farms in the town with additional the revenue streams they can have. To address certain questions that came up: On responsibility for any penalties, the law speaks to "persons of responsibility" for the violation so it could be the installer and the homeowner, which he spoke to the Town Attorney about. Thanks for looking at the wetlands issue as that is an important to determine how we will manage our applications if they need to look at the DEC maps, which will be available in 2025. On STR law and

how to address absentee landlords, the town does not define occupied and suggests the Board come up with a definition. But we do define occupancy and read the definition aloud. We need to look how the IRS defines the main home. Supervisor Whitton thanked him and will talk with the town attorney about this.

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

### **ADJOURNMENT**

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

The meeting was adjourned 7:55 PM.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Carol-Jean Mackin". The signature is fluid and cursive, with the first name "Carol" and last name "Mackin" clearly distinguishable.

Carol-Jean Mackin,  
Town Clerk