

RESOLUTION 13 of 2026

At a meeting of the Town of Clinton Town Board duly held at the Town Hall, Centre Road in the Town of Clinton on the 8th day of April, 2026. Upon the calling of the roll by the Town Clerk the following members were:

Present: Supervisor Whitton
 Deputy Supervisor Werner
 Councilwoman Mustello
 Councilwoman Auspitz

Absent: Councilman Dykas

The following resolution was offered for adoption by Supervisor Whitton which resolution was seconded by Deputy supervisor Werner

RESOLUTION UPHOLDING THE DETERMINATIONS OF THE TOWN OF CLINTON RECORDS ACCESS OFFICER DATED MARCH 16, 2026 AND MARCH 17, 2026

WHEREAS, Dean Schilling (“Schilling”) submitted Freedom of Information Law (“FOIL”) requests to the Town Records Access Officer by email both dated February 13, 2026;

WHEREAS, the Town Records Access Officer responded to these FOIL requests by letters dated March 16, 2026 and March 17, 2026, in which the Town Records Access Officer granted in part, as certain records were provided, and denied in part, as certain records were withheld, Schilling’s request;

WHEREAS, the Town Records Access Officer’s denial of access to certain records or portions thereof was made pursuant to the provisions of Section 184-2 the Town Code and the New York Public Officers Law (FOIL);

WHEREAS, by two letters dated March 27, 2026 Schilling appealed the denials of access;

WHEREAS, Section 184-8 of the Town Code provides that the Town Board shall hear and determine all appeals from denials of access to records; and

WHEREAS, the Town Board has reviewed both Schilling’s appeal and all records relevant to Schilling’s FOIL requests.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board determines that that Town Records Access Officer properly redacted and/or withheld documents in their entirety as these documents constitute intra-agency records which are deliberative in nature

and do not fall under any of the exceptions enumerated in Section 184-2 of the Town Code and Section 87 (2) (g) of the New York Public Officers Law (FOIL);

BE IT FURTHER RESOLVED, that the Town Board determines that that Town Records Access Officer properly redacted portions of records containing phone numbers as disclosing this information would constitute an unwarranted invasion of personal privacy under 184-2 of the Town Code and Section 87 (2) (b) of the New York Public Officers Law (FOIL);

BE IT FURTHER RESOLVED, that the Town Board determines that the Town Records Access Officer properly redacted and/or withheld documents in their entirety as they constitute attorney work product or are shielded from disclosure pursuant to the attorney-client privilege;

BE IT FURTHER RESOLVED, that the determination of the Records Access Officer is upheld in all respects;

BE IT FURTHER RESOLVED, that the Town Board directs that a copy of this Resolution, which constitutes the determination of the Town Board in regard to the instant appeal, be transmitted to Schilling and the Committee on Open Government, Department of State, 162 Washington Avenue, Albany, New York 12231.


The vote having been taken upon such resolution the result was as follows:

Supervisor Michael Whitton	VOTING	<u>AYE</u>
Councilman Eliot Werner	VOTING	<u>AYE</u>
Councilman Katherine Mustello	VOTING	<u>AYE</u>
Councilman Charles Dykas	VOTING	<u>ABSENT</u>
Councilwoman Marion Auspitz	VOTING	<u>AYE</u>

There being a majority of the Town Board voting to approve the resolution, the resolution was declared by the Town Supervisor to have been adopted.

IN WITNESS WHEREOF, I affix the seal of the Town of Clinton as the Clerk thereof, this 8 day of April, 2026.

TOWN OF CLINTON, NEW YORK

Town Clerk: 
Carol-Jean Mackin