

RESOLUTION 18 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 23rd 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 Auspitz
Councilwoman Mustello

Absent: Councilman Dykas

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

RESOLUTION UPHOLDING THE DETERMINATION OF THE TOWN OF CLINTON RECORDS ACCESS OFFICER DATED APRIL 1, 2026

WHEREAS, Mackey, Catania, & Whalen LLP, representing the “Friends of Schultzville Road” (“Mackey”) submitted a Freedom of Information Law (“FOIL”) requests to the Town Records Access Officer by letter dated March 17, 2026;

WHEREAS, the Town Records Access Officer responded to this FOIL request by letter dated April 1, 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, Mackey’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 FOIL;

WHEREAS, by a letter dated April 13, 2026 Mackey 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 Mackey’s appeal and all records relevant to Mackey’s FOIL request.

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 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 Mackey 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	AYE

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 23 day of April, 2026.

TOWN OF CLINTON, NEW YORK



Town Clerk: _____

Carol – Jean Mackin