

## **RESOLUTION 48 of 2025**

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 8<sup>th</sup> day of December, 2025. Upon the calling of the roll by the Town Clerk the following members were:

Present: Supervisor Whitton  
Deputy Supervisor Werner  
Councilwoman Auspitz  
Councilman Dykas  
Councilwoman Mustello

Absent: None

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

### **RESOLUTION UPHOLDING IN PART AND REVERSING IN PART THE DETERMINATION OF THE TOWN OF CLINTON RECORDS ACCESS OFFICER DATED NOVEMBER 13, 2025 AND AUTHORIZING THE RELEASE OF CERTAIN RECORDS PURSANT TO THE NEW YORK FREEDOM OF INFORMATION LAW AND CHAPTER 184 OF THE TOWN CODE**

**WHEREAS**, Graham Trask (“Trask”) submitted a Freedom of Information Law (“FOIL”) request to the Town Records Access Officer by letter dated October 31, 2025;

**WHEREAS**, the Town Records Access Officer responded to this FOIL request by letter dated November 13, 2025, in which the Town Records Access Officer granted in part, as certain records were provided, and denied in part, as certain records were withheld, Trask’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 letter dated November 24, 2025 Trask appealed the denial of access regarding items 4 and 6 in his FOIL request dated October 31, 2025;

**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 Trask’s appeal and all records relevant to Trask’s FOIL request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board determines that additional records beyond what was provided to Trask should be disclosed;

**BE IT FURTHER RESOLVED**, that the Town Board determines that certain records must be redacted or withheld in their entirety as they 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 or FOIL

**BE IT FURTHER RESOLVED**, that the Town Board determines that certain records must be redacted or withheld 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 Town Board reverses the determination of the Records Access Officer to the extent that the partially redacted records attached hereto and made a part hereof shall be released to Trask, in accordance with the provisions of Town Code Chapter 184 and FOIL;

**BE IT FURTHER RESOLVED**, that the determination of the Records Access Officer is upheld in all other 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 Trask 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>AYE</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 8th day of December, 2025.

**TOWN OF CLINTON, NEW YORK**

Town Clerk:  \_\_\_\_\_

Carol-Jean Mackin