

FEBRUARY 11, 2025

Schultzville, NY

The Clinton Town Board held the Regular Town Board meeting on this day in the Town Hall. Present were Supervisor Mike Whitton, Deputy Supervisor Eliot Werner, Councilman Charlie Dykas, Councilwomen Katherine Mustello and Marion Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately 8 people in the audience.

Supervisor Whitton called the meeting to order at 6:30 PM and led the Pledge of Allegiance.

APPROVE MINUTES

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the January 14, 2025 Town Board Meeting minutes. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the January 21, 2025 special meeting minutes. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Auspitz to approve the January 30, 2025 special meeting minutes. All aye. Motion carried.

PUBLIC DISCUSSION: (Agenda Items only)

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

Victoria Palidoro – legal representative of CECNY LLC, (Six Senses) operating the conference center in town. They have a pending application to increase the number of lodging units for the conference center. A lot of time has gone into the work. Why is an ad hoc committee being formed, how have the members have been chosen and why not choose a member of CECNY to be on the proposed committee? A stakeholder would be important. Also concerned about the timing. Concerned the laws will change during the permitting process. The new law may be confusing. Asks to hold off on the committee until CECNY has completed their application. Feels the Town Board has been barraged with negative and misleading info. Talked about the positive impact of the conference center including the taxes they pay to the school district without sending children to the Hyde Park schools and that the project keeps open space in the town. Increasing the number of overnight rooms is viable to make the conference center operate successfully.

Eliot Werner - explained that he suggested the Board research and update the conference center law. He approached several residents in the town that were involved and had several meetings. They now have several proposals on the table. Several people asked to convert the casual group to an ad hoc committee. We are not talking about the law tonight; we are talking about a procedure tonight. His informal group will continue working on the draft and they will send it to the Board for its official introduction. Being recast as an ad hoc committee is an affirmation of the work they are doing.

Mike Whitton, any new law conference center law would not apply to what is happening with the property on 9G.

Charlie Canham – ZBA member, we have an expansive law which includes hotels and motels, for example a hamlet can hold a 130 room hotel, we should look at updating that.

Graham Trask - applauds the committees work, it should be blessed by Town Board. The conference center law is a way to allow hotels in areas that should not have hotels. Feels the hotel is being called a conference center, there are end arounds being made to get around the zoning. Feels this opens pandoras box and we don't yet understand consequences.

Ken Stenger – asked for clarification: any new law will exclude the current application? Mike Whitton said yes. Mr. Stenger is concerned as the current applicant is spending a lot of money on the current application. It seems the committee should have a member of CECNY on the committee, a voice from the industry. Right now, the members of the informal group can go to the Planning Board and have a voice on the application.

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's comments read by Eliot Werner:

- All offices closed February 17 for Presidents Day.
- The annual bon fire was a success. Thanked Joe Behan, ECFD, and the Rec Committee for organizing.
- ECFD is having a fish fry every Friday in March to April 11.
- the wood floors in Town hall are refinished using ARPA funds. Thanked Marion for her work
- there is a vacancy on the BAR. Read the qualifications for the position aloud.

TOWN BOARD REPORTS: Posted on the web, 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 – meets tomorrow. Looking at ECFD's new firehouse.

Planning Board – read from report, posted online.

ZBA – did not meet in January.

Councilman Dykas-

Recreation - read from the report, posted on line.

Councilwoman Auspitz –

Library - read from the report, posted on line.

Highway – read from the report, posted on line.

Maintenance – painting is ongoing in the basement.

Deputy Supervisor Werner –

Zoning Officer – read from report, posted online.

Building Inspector - read from report, posted online.

CSC – reviewed the status of \$10,000 NYSERDA grant. Planning on a new grant \$50,000 for hwy garage energy improvements. Discussed the other items the Board is discussing including the Iroquois Pipeline and the CCA. Future planning for a climate plan is in the works.

SHRAC – Planning for Roadside Cleanup in April, discussing whether or not to join Community Day, not much traffic last year. Will discuss impact of ECFD new firehouse at next meeting.

OLD BUSINESS

1. Discuss Cell Service – Dykas

Not made much headway, but with the help of Arlene Campbell discovered several applications from the past for a cell tower. Goal is to increase cell service as it is awful in Town. Plans to talk to our elected representatives for improved cell phone service.

2. Purchase v. Lease Highway Trucks – Auspitz/Dykas

Removed from the agenda pending further information. No information tonight.

NEW BUSINESS

1. Approve adoption of NYS Deferred Compensation Plan – Whitton

MM Supervisor Whitton, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board hereby approves **Resolution No. 9 of 2025 adopting the NYS Deferred Compensation Plan for the voluntary participation of all eligible employees effective February 11, 2025.** Supervisor Whitton explained the deferred comp plan. We will have no charge from the accountant to manage the program. It is for all the employees. All aye. Motion carried.

2. Approve NPV Contract – Mustello

MM Councilwoman Mustello, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve the **contract with Nelson Pope & Voorhis, LLC** for Planning Board consultation and authorizes, empowers and directs the Town Supervisor to sign the agreement. All aye. Motion carried.

3. Approve Source Well Contract – Auspitz/Dykas

MM Councilwoman Auspitz, 2nd Councilman Werner that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approve **the Sourcewell Cooperative Purchasing Program participation Agreement** effective February 11, 2025 and authorizes, empowers and directs the Town Supervisor to sign the agreement. All aye. Motion carried.

4. Approve Fee Schedule – Whitton

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board hereby **approves Resolution No. 10 of 2025 the Fee Schedule as amended tonight to remove the dog impoundment fees and refer to the dog housing contract.** This in an annual effort, this year we revamped the zoning fees thanks to Arlene Campbell and we increased the rec fees. Eliot noticed the Mass Gathering fees are out of date and need correction: Establish a fee for 0-499, as we only allow 500 maximum to gather. Suggests \$500 for the fee. All aye. Motion Carried. (Amended later in the meeting)

5. Approve MOU for CCA – Whitton

MM Supervisor Whitton, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves a Memorandum of Understanding regarding a Request for Proposal for Electricity Supply, and authorizes, empowers, and directs the Town Supervisor to sign the MOU. In discussion, the MOU according to Joule is not binding. After discussion with them today Supervisor Whitton said if the RFP goes through and is accepted the MOU is binding. Tonight, we can lower the rates to what we want and when RFP comes through and their numbers are too high, we can decide if we want it at that time. If we say no another RFP will be offered and pushed to March. Councilwoman Mustello does not like the way Joule has presented this MOU. Mr. Whitton's role is to make sure we get a good rate and make a decision that is good for the environment. Councilman Werner asks how do we sign an MOU if all towns are looking for differing rates. Supervisor Whitton said at a public outreach a question was asked to compare if the rate will beat Central Hudson's rate. That info was not provided. Personally, he is for the CCA but does not like the MOU. Mike Whitton described the role of Joule; they are the administrator -they find a supplier. The previous supplier was stuck at a low rate and the pandemic hit, their costs increased and so they went bankrupt. Joule has since changed the way they purchase their energy futures. The board members discussed rates. Charlie Dykas asked if this is this opt in or opt out. Mike said no one opts into central Hudson; for the CCA to work, everyone is automatically put in, they can exit when they want. If you have a block on your account you won't be put in. Letters will be sent to all Central Hudson customers except people who opted out previously - they will not get a letter to rejoin.

ROLL CALL VOTE: Mustello, Nay; Dykas, Nay; Whitton, Nay; Werner, Nay; Auspitz, Nay.
MOTION FAILS 5-0.

6. Discuss/Approve Ad Hoc Committee to rewrite Conference Center Law – Werner

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board hereby approves **Resolution No. 11 of 2025 establishing an ad hoc committee to review and advise town board on possible amendments to town code chapter 250 (zoning) pertaining to the regulation of conference centers, hotels and motels.** In discussion Supervisor Whitton said laws are written and passed by the town board, although we may have committees and public input, he does not agree with this. Katherine thanked people who have been meeting; commented that she has been meeting with a group to look at wetlands law because DEC is changing their rules. Feels the timing is wrong for this law to be changed. Proposes that we take the conference center and hotel/motel laws and the wetlands law and have workshops to have open discussion. Charlie Dykas does not agree with the ad hoc committee proposal and says that CECNY should have a representative. Katherine explained the workshop process and commented that workshops bring all Town Board members together and presents the law to the public for input. Eliot said the Town Board is involved and asks how is this different. Katherine Mustello replied the perception is different, a workshop is in Town Hall, open to the public and on TV and all five Board members are involved. Mike Whitton said if an update is done at all, he wants it done by the whole Board. Mr. Werner is troubled by the workshop; a small group will get a lot more done in a short period of time. Mr. Whitton said there are two issues here: the ad hoc committee approval or to hold workshops. Mrs. Mustello agrees and said the more pressing issue is the wetlands law update. ROLL CALL VOTE: Mustello, Nay; Dykas, Nay; Whitton, Nay; Werner, Aye; Auspitz, Nay. **MOTION FAILS 4-1.**

OTHER ITEMS

1. Resignations and appointments – Werner

TERMINATION:

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to dismiss Jake Mignano from the full time MEO position effective January 21, 2025. All aye. Motion carried.

RESIGNATIONS:

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to accept the resignation of Susan Michael as a member of the BAR effective January 1, 2025. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Auspitz to accept the resignation of Jeff Newman as MCEI to accept the appointment of Zoning Administrator effective end of day February 11, 2025. All aye. Motion carried.

APPOINTMENTS:

MM Deputy Supervisor Werner, 2nd Councilwoman Auspitz to approve the appointment of Jeff Newman as ZA effective February 12, 2025. All aye. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the appointment of Ken Wallace as a PT seasonal winter employee – Wingperson-in an on-call basis, at a rate of \$16.80 per hour effective January 31, 2025 until March 31, 2025. All aye. Motion carried.

2. Approval of Warrants

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

February General Fund Warrant, vouchers numbered **31 through 67 totaling \$ 60,322.82**

and the

February Capital Project Warrant, numbered **1 and 2, totaling \$4030.10.**

and the

February Highway Fund Warrant, vouchers numbered **28 through 65 totaling \$ 107,221.27**

All aye. Motion carried.

3. Motion to Move Funds – Whitton/Werner

MM Supervisor Whitton, 2nd Councilman Werner to approve the following resolution: BE IT RESOLVED that the Town Board approves **Resolution No. 12 of 2025 a Motion to Move Funds dated February 11, 2025.** All aye. Motion carried.

4. Supervisor's Report - Whitton

The final January 2024 Supervisor's Report will be approved when the Annual Financial Report is complete.

OTHER/ANNOUNCEMENTS

PUBLIC DISCUSSION

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

Judy Canham accolades to the Highway dept. Asked about materials used for snow and ice mitigation. There is research that certain applications of salt can work their way to well water. Does the highway dept. take that into consideration. Councilwoman Auspitz said they use magic salt which is environmentally safe, made of a sugar byproduct.

Adam Dyksal - commented on the conference center issue. We have a zoning law to control where businesses can be located. The conference center law is a loop hole. The

town has expressed it does not want a hotel, but call it a conference center and it is allowed in any lot over 25 acres. This is a good time to revisit the law as the conference center law applies to every lot over 25 Acres. All businesses are permissible in hamlets but as part of the conference center, they are allowed to every lot over 25 acres. Referred to the comprehensive plan, citing the rural nature of town is the most important thing to the residents. Reviewed some other responses to the questionnaire of the comprehensive plan that say residents want the town to remain rural. Wants the board to workshop a new conference center law to get the feelings of town residents.

Jeff Newman – thanked Katherine for suggesting workshopping new laws, thinks it's a good idea. On the fee schedule, the mass gathering permit, the permit is only required for more than 500 people so we should have fee for that. The current law does not require a permit for under 500 and there is no limit to how many can gather.

Charlie Canham will be happy with a workshop to review the conference center law. The hotel motel part of the law concerns him, it has no protection for the hamlets. The hamlets are dense single family residences with small commercial activity. There is no protection now for the hamlets for hotels and motels.

Graham Trask what is the next step now that the ad hoc committee has not passed. Mr. Werner said we need to discuss that but has reservations about the workshops. We have the working group and we had several meetings and we plan to have more, we can do it privately to come up with a document to present to the Board. It's complicated to have workshops and create a document at the same time. The Board members discussed that the zoning law was created by workshop and now is being reviewed by the attorney but that several laws were pulled out and updated as necessary, including the conference center law, ag events and the STR law.

Arlene Campbell supports Eliot Werner in the idea of the smaller group meeting to create a law as a way to have a foundation and then present it to the town board to present to the public for comments. There was discussion about workshops vs small group work. Mike Whitton said the committee should continue their work, they can present a document to the town board and we can then have additional workshops for more comments and then move it along.

Victoria Palidoro- asked to allow to CCENY to participate as a member of the working group to update the conference center law as there are two opposition members included. Eliot's rationale for the current group is that it includes a PB member, a ZBA member, PB/ZBA Secretary Arlene Campbell, ZA Jeff Newman, himself and two from the public. Katherine explained the workshop process where the public can comment at that level.

Ken Stenger – feels there is a built in problem with the make-up of the working group. Two members are charged with administering the law and also writing a new law. Feels it's a structural conflict. There are unintended consequences and they may be influenced in their decision making for Six Senses application that is before them now.

Jeff Newman - hotels were not revised, feels the hotel law is outdated for our hamlets which are mostly residential so he would like to look at the hotel motel law and hospitality in general. Confused why Eliot's committee is still meeting when the ad hoc committee was voted down. Mike Whitton explained the unofficial committee will come

up with a document and present to the board. Jeff commented that committees who meet privately comes with suspicion and can be accused of misconduct and manipulation as opposed to a workshop that happens in front of the public. Mr. Werner explained his motivation for asking for an ad hoc committee was to have the transparency. Regarding the mass gathering law, the fee schedule is correct as is, 0-499 no fee and 500+ a \$500 fee.

Paul Thomas - chair PB – is currently a member of the working group to update the conference center law, liked Katherine's idea for the workshop, we need transparency, feels public comment would be helpful to him. Asks if the Town Board should have some structure to the group by authorizing it in some way. Mike Whitton said anyone can come to the board with a law. Paul feels the composition of the group needs to be reevaluated and he will decide for himself whether to go forward as a member.

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

MM Supervisor Whitton, 2nd Councilwoman Mustello to adopt the fee schedule as written with no change to the mass gatherings fees of 0-499 no fee, 500+ is a \$500 fee. All aye. Motion carried.

ADJOURNMENT

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

The meeting was adjourned 8:06 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