

March 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, Councilwomen Katherine Mustello and Marion Auspitz as well as Town Clerk Carol-Jean Mackin. Councilman Dykas was absent. Town Attorney Shane Egan is also present. There were approximately 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 February 11, 2025 Town Board Meeting minutes. All aye except Councilman Dykas who was absent. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the February 20, 2025 special meeting minutes. All aye except Councilman Dykas who was absent. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the March 6, 2025 bid opening pickleball. All aye except Councilman Dykas who was absent. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the March 6, 2025 bid opening Fran Mark staining. All aye except Councilman Dykas who was absent. Motion carried.

PUBLIC DISCUSSION: (Agenda Items only)

MM Supervisor Whitton, 2nd Councilman Werner to open the floor to public discussion. All aye except Councilman Dykas who was absent. Motion carried.

Nick Sacerdote - baffled by the settlement agreement with Six Senses. Feels it's a giveaway to IHG and undercuts the future of a legal defense. It nullifies the ZBAs decision, will be harmful to the Town, more traffic, located in a sensitive environment; asks why approving this agreement without being able to make challenges. Reject agreement please.

Adam Dyksal – agrees with previous speaker. Rejects statements he has reads suggesting that the board is rigged toward this issue. We can disagree though, don't give in to bullies. Feels we are being steamrolled into the agreement by a big corporation with deep pockets. We should not give them anything unless they dismiss their legal challenge against the town. Discussed the ZBA decision. Feels the Hyde Park decision is not a final and non appealable decision, so we should not move on this as he sees the stipulation as legal fiction. Feels the TB will overrule the decision of the ZBA and that is a bad decision. Asks TB to respect the ZBA and vote against the settlement agreement.

Maggie Schimmelpfenning - emotional about the big corporate entity pushing their way in to the Town.

Dan Berndt – reviewed duties of TB members, specifically to pass laws in conjunction with the Comprehensive Plan. Said the TB has said for the past year that this conference center law needs updating, asking for a moratorium, repeal the current law and create a new conference center law. Says the conference center law is not in compliance with Comprehensive Plan, Farmland Protection Plan nor Greenway Policy nor Open Space Plan. Instead you pushed forward, the Board has taken no action to update and correct the Comprehensive Plan. Gave his suspicions about how the TB has acted toward this issue and accuses the Town Board members of aligning with IHG by singularly focusing on their viewpoint and not seeking outside counsel with experience in stopping unwanted land use development in small towns. Asks TB to stand with the townspeople to strengthen zoning laws and vote down this agreement or install a moratorium on conference centers.

Rich Morse – in favor of the conference center. The signs being loaned to CCD – said we can throw them out, let them know when we do and they will pick them up. Offered that the Town will have three free tables at CCD.

Lisa Metcalf – pleased to announce Friends of Clinton, a non-profit formed to create events for community impact, a Non-profit 509 A 2. They will be presenting CCD and look forward to a large parade. Welcomes the entire community to take part in their events.

Graham Trask – a real estate developer in Beaufort, South Carolina who is spending a lot of money in litigation fighting the development of a large Marriot resort in his town since 2021, prepared to do it again here. The southern town also rejected an IHG near his hometown by following their local laws. Feels we are not following the law. Puzzled why the TB is signing the resolution as he sees no mention of Clinton. Feels the resolution is written by Six Senses lawyers. Asks TB to stand up for what is right. Says the Town will be sued, asks members to stand up for what is right and that we are being bullied by IHG lawyers. Rhinebeck is coming to save Clinton as they are suing Clinton, announced today. Suggests it's a better choice not to pass the resolution and figure out how to get out of this conference center law and align with the comprehensive plan.

Santha Cooke – feeling emotional, talked about her personal situation of opening an STR. Asks the TB to say no to a corporation building on the open space in our beautiful town.

Dottie Distal – feels like the monied people have the power. Why are we folding to this development and not going to court where an independent arbiter can decide the issue. Sees strong arguments on no to the resolution but hears clever arguments on the side of the corporation.

Ken Stenger – lawyer for Six Senses, appreciates the Town and the love the residents have for it. Emotions are evident but the facts are most important. We are not approving a project tonight, talking about a litigation in HP where HP was telling Clinton what to do with its property. It's not a good idea for one town to tell another what they can do in their town. Laid out the facts of the issue where the HP ZBA passed a resolution saying you can't do a conference center in Clinton because you will drive over our land and we are imposing our authority over Clinton. The Town Board of HP took control of making the decision of whether one town can tell another town if they can do something so they

passed a law to establish a process to allow any project in another town to come before a public hearing of their Town Board to discuss the merits and impacts. The law passed in HP says the ZBA decision is null and void. It is inappropriate for an administrative body like the ZBA to determine about the use of a property in another town, the Town Board needs to make the decision. Clinton became involved in the Hyde Park stipulation for jurisdictional purposes as Clinton has to abide by it. The resolution is done, the resolution no longer exists; no fight left on that issue, also there is nothing in this resolution tonight that curbs ZBA or PB power. This resolution protects us from other towns reaching in to tell us what to do within our borders.

Donna Burns – feels Mr. Stenger’s comments are alternative facts, those are his facts. The truth is ZBA in HP applied NYS law regarding use of property in another town; their ZBA used the law to guide their decision. Said the HP resolution goes away if we sign the settlement agreement. Discussed the HP decision to create the law to overrule the ZBA decision and it is appealable, in fact the town of Rhinebeck is suing. Does not like the language of our resolution that has the Town agreeing to unnecessary items about the road and the uses; The settlement agreement will affect our ZBA. A judge should decide this not the HP town board. Urges TB to reject the resolution.

Adam Dyksal – Heard a great case for TB to reject settlement. If the HP resolution is null, there is no reason for the lawsuit.

Lisa Crohn - our communities are overlapping and interdependent. Protect ours and all communities from a large development that will affect us all.

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

SUPERVISOR’S COMMENTS

Mike Whitton’s comments read by Eliot Werner:

- For those that observe Lent, the East Clinton Fire Department is having their Fish Fry every Friday from March 7 to April 18. This is take-out only and the cost is \$15 per meal. Call (845) 266-5485 for more information.
 - I have been gathering guidance for our residents regarding Bird Flu or H1N1. This information comes from the Dutchess County Health Department and Cornell Cooperative Extension. In New York, 2025 started with an increase in bird cases of Bird Flu. Bird Flu has been found in nearly 100 birds thus far. Waterfowl and raptors are the most affected. If you see sick or deceased birds, do not touch them. Anyone concerned after finding a single deceased bird or poultry can report it through the New York State Department of Environmental Conservation’s (DEC). If you see a group of dead birds or if several of your poultry flock are sick or have died, please contact the local DEC office directly at (845) 256-3000.
- Limit contact unless necessary, and keep children and pets away
 - If carcasses need to be removed, use a shovel if available, and wear disposable gloves, a mask, and eye protection; wash hands and clothing immediately after

- Triple-bag carcasses and put them in an outdoor trash receptacle
- Avoid eating raw or undercooked meat or eggs
- Avoid handling sick wild or domestic birds, including chickens and ducks
- Avoid consuming raw (unpasteurized) milk or dairy products
- Wash hands well and often

In addition to wild birds, Bird Flu has also been confirmed in red foxes, a striped skunk, a Virginia opossum, a raccoon, and a bobcat in NY and a wide range of mammals, particularly carnivores, in other parts of the United States. NY recently had the first confirmed positive case of Bird Flu in an Eastern gray squirrel.

- The Climate Smart Communities Task Force has been conditionally approved for a \$50,000 grant through NYSERDA. The Town of Clinton became eligible for this grant due to the efforts of the CSC Task Force to make Clinton a certified Bronze Community. This grant, the money will be used in conjunction with a \$10,000 grant the Town has already been awarded to make our Highway Garage more energy efficient. This should save the Town money for years to come.
- The Town Board will hold a workshop to amend our Wetlands Law on March 20 at 6:30pm. We colloquially call it the wetlands law, but it is officially § 250-78 of Town of Clinton Zoning Code, “Freshwater wetlands, watercourses, lakes, ponds and floodplains”. The NYS DEC has changed their Freshwater Wetlands Maps, which forces an amendment to our Zoning Code.
- The New York State burn ban is in effect from March 10 - May 15. For more information on what is prohibited to be burned, please visit the DEC website or call (518) 402-8452. NYS has changed Town Law, allowing Towns to lower the speed limit on local roads from 30mph to 25mph. A pedestrian struck by a car going 30mph has a 45% chance of death. A pedestrian struck by a car going 25mph has a 25% chance of death. That is a big safety difference. However, this change would require an engineering study first. Then, if we were to lower the speed limit, a few thousand dollars would need to be budgeted for the replacement of speed signs around Town. I am looking into how much this would cost, and then would bring it to the Town Board to decide if this money is worth spending. I will update residents as we move along in this process.

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.

Planning Board – read from report, posted online.

ZBA – read from report, posted online

Councilman Dykas-

Absent, Recreation report read by Councilman Werner.

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 Administrator – read from report, posted online.

Building Inspector - read from report, posted online.

CSC – received a \$50,000 grant and \$10,000 for energy audit in hwy dept. Working with Cooperative Extension on studies on wetlands and climate resilience. Discussion on CCA which is on hold. A Municipal Climate Action Plan is in the works.

SHRAC – Planning for Roadside Cleanup in April.

OLD BUSINESS

- 1. Approve awarding bid for staining Fran Mark Park – Dykas/Werner**
- 2. Approve awarding bid for pickle ball court construction at Friends Park – Dykas/Werner**

Both bid awards put on hold until the March 18, 2025 special meeting to give the Town Engineer time to review them.

NEW BUSINESS

At 7:37 PM, MM Supervisor Whitton, 2nd Councilman Werner to enter executive session to discuss the Article 78 litigation of Maxianova et al V Cornerstone and the TOC and the Stipulation Of Settlement, CECNY Holding, LLC V. Town Of Hyde Park Et. Al. All aye except Councilman Dykas who was absent. Motion carried.

At 7:55 PM, MM Supervisor Whitton, 2nd Councilman Werner to return to the regular order of business. All aye except Councilman Dykas who was absent. Motion carried.

- 1. Approve discontinuance stipulation – Werner
(the Article 78 by Maxianova et al VS Cornerstone & TOC)**

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. 13 of 2025 titled: Resolution Approving Stipulation of Discontinuance (Maxianova/Cornerstone)** and authorizes, directs and empowers Shane J. Egan, Esq. to execute

the Stipulation of Discontinuance on behalf of the Town and take any actions necessary to effectuate the terms. All aye except Councilman Dykas who was absent. Motion carried.

2. Approve Six Senses Stipulation – 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. 14 of 2025 titled: Resolution Approving Stipulation Of Settlement, CECNY Holding, LLC V. Town Of Hyde Park Et. Al. (Index. No. 2024-53500) and authorizes, directs and empowers Shane J. Egan, Esq. to execute the Stipulation of Settlement on behalf of the Town and take any actions necessary to effectuate the terms.** In discussion, the TB has invited the Town Attorney Shane Egan to read a statement:

Town Attorney Shane Egan’s statement: Summary of Resolution Approving Stipulation of Settlement with CECNY v. Town of Hyde Park et. al.

The Town Board is considering this Resolution to resolve a hybrid Article 78 / Declaratory Judgment proceeding commenced by CECNY (Sixth Sense) against the Town of Hyde Park Town Board, the Town of Hyde Park ZBA and the Town of Hyde Park Zoning Administrator. The Town of Clinton and the Town of Clinton Town Board are also named respondents in this proceeding.

The litigation was commenced by CECNY to set aside a determination issued by the Hyde Park Zoning Administrator, which was subsequently upheld by the Hyde Park ZBA, denying CECNY the right to use a parcel owned by CECNY in the Town of Hyde Park for access onto a property owned by CECNY in the Town of Clinton. The Hyde Park denials were based on the premise that CECNY’s proposed use of the Hyde Park Parcel was not permitted in Hyde Park’s Greenbelt District Zoning District.

On January 13, 2025 the Town of Hyde Park Town Board adopted Local Law #1 of 2025. This law purports to retroactively reverse the Hyde Park ZA and ZBA decisions which prevented CECNY from using the Hyde Park Parcel to access the Clinton Parcel for use as a Conference Center.

Prior to the adoption of Hyde Park Local Law #1, our ZBA issued a June 4, 2024 Determination which among other findings held that CECNY’s application before our Planning Board constituted a Conference Center under the provisions of our Town Code. Our ZBA also held that CECNY’s Planning Board application did not meet the road frontage requirement contained in Section 250-24 of our Town Code because the Clinton Parcel lacks access to a public highway due to the Hyde Park denials. Our ZBA held that until such time as the Hyde Park denials are reversed pursuant to a final non-appealable decision, CECNY’s Planning Board application is not in conformity with our Town Code and cannot proceed to our Planning Board for review.

The Stipulation of Settlement which is being considered tonight was approved by the Town of Hyde Park Town Board last night. In this Stipulation the Town of Hyde Park is agreeing and acknowledging, subject to the provisions of Hyde Park Local Law #1 and the requirements of the Town of Hyde Park Town Code, that Hyde Park Local Law #1 does allow CECNY access across the Hyde Park parcel for use of the site as a Conference Center. By signing the Stipulation of Settlement, the Town of Hyde Park is also agreeing and acknowledging that denials issued by the Hyde Park ZA and ZBA have in fact been nullified by Local Law #1. The Stipulation of Settlement becomes a final non-appealable decision when it is

served by CECNY on the named respondents, which includes the Town of Clinton, with Notice of Entry.

Were the Town Board to adopt this Resolution tonight and authorize me to execute the Stipulation of Settlement, it would not prevent individuals or groups who oppose the actions of Hyde Park Town Board from commencing an action challenging Hyde Park Local Law #1. By approving this Resolution, the Town Board would be acknowledging the clear conditions set forth by our ZBA in its June 4, 2024 decision have been satisfied.

Additionally, a separate proceeding commenced by CECNY against a different body, our ZBA, remains pending. As that action remains pending and is not against this board I will not comment on that proceeding. Other parties to that proceeding include certain individuals and Common Sense HV.

Deputy Supervisor Werner commented that this resolution supports our ZBA and we are not voting on the pros and cons of the project, that will be job of the Planning Board. This is procedural issue. To deal with the long term issue is to change law, that is in the future.

ROLL CALL VOTE: Whitton: AYE; Mustello: AYE; Werner: AYE; Auspitz: AYE; Dykas: Absent. Motion carried.

3. Approve Speed Control Request from ECFD on SPT – Werner

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves sending Form TE-9 to County DPW requesting a speed reduction on Salt Pont Turnpike, as requested by the ECFD, from the Taconic Parkway overpass north to the Clinton Town line. All aye except Councilman Dykas who was absent. Motion carried.

4. Approve Toshiba Contract – Werner

MM Deputy Supervisor Werner , 2nd Councilman Mustello that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board approves the lease maintenance agreement with Toshiba Business Solutions and authorizes, empowers and directs Supervisor Whitton to sign the agreement. All aye except Councilman Dykas who was absent. Motion carried.

5. Approve Resolution to lend CCD signs to Friends of Clinton – Whitton/Werner

MM Deputy Supervisor Werner, 2nd Councilwoman that the Mustello Town Board approves the following resolution: BE IT RESOLVED that the Town Board hereby approves **Resolution No. 15 of 2025 titled: A Resolution approving the temporary transfer of obsolete and unusable surplus property to Friends of Clinton for Clinton Community Day.** All aye except Councilman Dykas who was absent. Motion carried.

6. Approve setting Public Hearing dates for Zoning Law – Whitton/Werner

MM Deputy Supervisor Werner, 2nd Councilman Auspitz that the Town Board approves the following resolution: BE IT RESOLVED that the Town Board hereby approves a public hearing be held on **April 8, 2025 at 6:00 pm in the Clinton Town Hall** to hear public comments on the

first section, the first three articles of the Zoning Law. All aye except Councilman Dykas who was absent. Motion carried.

7. Approve Highway Superintendent to Highway School - Auspitz

MM Councilwoman Auspitz, 2nd Councilman Werner to approve Highway Superintendent Martin's attendance at Highway School at Cornell University from June 1 to June 4 at a cost not to exceed \$600 for registration and accommodations. All aye except Councilman Dykas who was absent. Motion carried.

OTHER ITEMS

1. Resignations and appointments – Werner

APPOINTMENTS:

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the appointment of Felicity Shaffer as Deputy Town Clerk for 10 hours a week at a rate of pay of \$23.06 effective February 12, 2025. All aye except Councilman Dykas who was absent. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the appointment of David Claytor as constable effective March 11, 2025 at a rate of pay of \$25.45 per hour. All aye except Councilman Dykas who was absent. Motion carried.

MM Deputy Supervisor Werner, 2nd Councilwoman Mustello to approve the appointment of Jim Metcalf as a Planning Board member effective March 11, 2025 to December 31, 2025 filling the unexpired term of Jerry Dolan. All aye except Councilman Dykas who was absent. 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:

March General Fund Warrant, vouchers numbered 68 through 118 totaling \$ 1,591,623.76

and the

March Capital Project Warrant, numbered 3 and 4, totaling \$ 1030.04

and the

March Highway Fund Warrant, vouchers numbered 66 through 99 totaling \$ 104,942.32
All aye except Councilman Dykas who was absent. Motion carried.

3. Motion to Move Funds – Whitton/Werner none

4. Supervisor's Report – Whitton none tonight

OTHER/ANNOUNCEMENTS None

PUBLIC DISCUSSION

MM Supervisor Whitton, 2nd Councilman Mustello to open the floor to public discussion. All aye except Councilman Dykas who was absent. Motion carried.

Melissa Karchmer - Friends of Clinton, next Saturday March 22 FOC is hosting prom dress sale. Invites girls to come to the sale at the WCFD. \$8 each dress. \$8 as Clinton is one of the original 8 towns, the sale is from 10 am – 4pm. They have close to 100 dresses. Collecting at Ruby Hill Farm. Proceeds go to running FOC events.

Rich Morse – representing the Historical Society, thanked TB for their support to put a small addition on the Creek Meeting House. Bob Turner bought a plot on the land they wanted to use so there will be no addition as the land is no longer available.

Nick Sacerdote - very disappointed in the decision on Six Senses. Feels like we are getting rid of leverage. Would like to see the TB update the conference center law.

Corrine Swanson - thanked all for their public service. Concerned about law and that we are being manipulated by foreign entities. We need to talk about the comprehensive plan and that the residents desire open space. Six Senses does not fit our comprehensive plan by the scale and scope of the project. Urges the TB to stop present and future projects until the law is rewritten and revised. Feels the Six Senses is intimidating us with loopholes and workarounds to the comprehensive plan and ZL.

Maggie Schimmelpennig - when is the meeting on the comprehensive plan? Mike Whitton explained it will be after the zoning law is passed. Hoping for July. They discussed the process and timelines. Katherine explained that we may take up certain issues as a stand alone law and we may well review the conference center law individually.

Graham Trask – you have the power to put in a moratorium on conference centers but it's clear you don't want to. Does not appreciate a lawyer making a personal swipe on him as Mr. Stenger did previously, and wants the board to control people being rude. Asks: How do you determine that the decision of Hyde Park is unappealable? It can be litigated. Katherine said go back and relisten to Town Attorney Egan's decision. Mike Whitton said we are not obligated to answer questions in the public session; feels Graham is asking questions to push buttons. Graham feels Six senses is exploiting the conference center law and we are delaying addressing the issue by saying we are updating the comprehensive plan which will take more time.

Donna Burns - a group was recently formed to rewrite the conference center law to come together to try to create a document that works for everyone. Seems the best way forward is to act and create a law and let the public comment. Get the public involved. This is just making people angry and upset which is not in anyone's interest.

MM Supervisor Whitton, 2nd Councilwoman Mustello to close public discussion and return to the regular order of business. All aye except Councilman Dykas who was absent. Motion carried.

Supervisor Whitton thanked Ms. Burns; this is not partisan we all want to do what is best for the community.

ADJOURNMENT

MM Supervisor Whitton, 2nd Councilwoman Mustello that the Town Board adjourns the meeting. All aye except Councilman Dykas who was absent. Motion carried.

The meeting was adjourned 8:32 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