

To our [SaveClinton.org](https://www.saveclinton.org) followers:

Early in October, we invited all Clinton Town board candidates to a live Webinar Q&A session where they would have an opportunity to answer the questions identified on the website, as well as additional questions provided by Webinar viewers. Since we didn't want a raucous debate, we opted instead to encourage a dialogue between the moderator with candidates from each major party as a group.

Following our invite, the Republican candidates quickly responded and set a Q&A date. The Democratic candidates also eventually accepted, but also provided a written statement. They requested we change *our* ratings of them, and post their commentary.

As with the Republicans, we did not post their statement or written responses. Further, we believe the Democrats' statement does not accurately reflect the facts. Since the Democrats chose to disengage from any Q&A, and continue to misrepresent the facts, we have decided to set the record straight. Our Response to the Democrats is **highlighted**.

Sincerely,

Concerned Citizens for Clinton

[SaveClinton.org](https://www.saveclinton.org)

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### **1. VOTING RECORD: Leaving an identified loophole law in place for 18+ months, to benefit the Six Senses Resort project**

Upon learning the Conference Center Law is a loophole around the No-Hotels law with no capacity restrictions and facilitates projects inconsistent with the Comprehensive Plan, did this incumbent candidate vote to repeal or correct the Conference Center Law to align it with the Comprehensive Plan?

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES. Eliot and Michael have been vocal about wanting to correct the Conference Center Law and align it with the Comprehensive Plan. A vote to update the Comprehensive Plan (which has not been updated in 13 years) to clearly ban large hotels and conference centers will be taking place, for which Eliot and Michael will vote YES. The Comprehensive Plan update will guide our updates to the Conference Center Law. Eliot and Michael are in full support of the Conference Center Law being rewritten to ban large conference centers and hotels. In the meantime, Eliot and Michael have voted to place a six-month moratorium to prevent any new hotels or conference centers from submitting permit requests until the vote and law update have taken place.

A vote has not been called to repeal the law. Repealing the law is dangerous for the town – it could create additional loopholes that big corporations with big pockets could take advantage of through lawsuits powered by unlimited legal funds. Retroactively repealing laws is equally dangerous and also invites aggressive legal challenge. We believe the safest solution for Clinton is to rewrite the law so that it is airtight moving forward.

The Conference Center Law amendment “loophole” was co-written, introduced, and voted on by Town Board member Dean Michael in 2021. It is because of this amendment that the Six Senses resort project has been legally allowed to move forward based on town law.

**SaveClinton.org Response:**

**This was NOT a question for candidates to answer, but rather clear fact about the incumbent candidates’ voting records. (Dean Michael was not on the board the last 2 years, so has no such voting record.)**

**NO, repealing the Conference Center Law is *not* dangerous, because the town is fully within its rights *by law* to CORRECT laws *not* in compliance with its own Comprehensive Plan. In fact, it's the town's *duty* to fix its laws when they contain obvious loopholes and ambiguity. It is not a dangerous legal strategy because changing the law is not retroactively repealing anything. A new law, including a full repeal, would apply to all new or existing applicants without vested rights, including those in the pipeline, no exceptions.**

**The age of the Comprehensive Plan (13 years old) is NOT justification for tossing it aside based on pure speculation. There is *no evidence* to suggest the Clinton community *now* wishes to have Resort Hotels in ag/residential areas.**

**Not only was Michael Whitton on the Town Board in 2021, and voted IN FAVOR of the new Conference Center Law of 2021, that's irrelevant. Once the loopholes became apparent, it was the current town board’s duty to act.**

**2. VOTING RECORD: Entering into a legally binding agreement drafted by Six Senses to facilitate the Six Senses Resort project, and override Clinton’s ZBA despite strong residents’ opposition.**

Did this incumbent candidate side with residents, support our Zoning Board of Appeals’ ruling by standing up to aggressive legal bullying tactics by voting AGAINST a Six Senses legal agreement designed to legally bind the town and allow the Six Senses Resort project to proceed?

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES. Eliot and Michael sided with the Zoning Board of Appeals, which objected to the Six Senses project and prevented it from going to the Planning Committee because Hyde Park did not allow access to the property. Once Hyde Park changed their zoning code to allow access to the property, the ZBA withdrew its objection. Eliot and Michael supported the ZBA’s decision to withdraw their objection based on Hyde Park’s updated law.

**SaveClinton.org Response:**

**Again, this was NOT a question for candidates to answer, but rather pure fact about the incumbent candidates’ voting records. Whitton and Werner IN FACT signed onto a binding agreement to facilitate the Six Senses Resort project, overriding the Clinton ZBA’s ruling requiring approved road access through an unappealable decision by Hyde Park, a requirement that was not met, given the Hyde Park Law that enabled such access is currently before the courts.**

The comment by the candidates is simply not true. Supervisor Whitton and deputy supervisor Werner did NOT "side with the ZBA decision", since that was not within their purview. What they and the rest of the town board members DID do, was effectively OVERRIDE the ZBA decision by signing a binding agreement saying the ZBA's requirement of road access must now be considered met, despite the FACT that it had clearly NOT been.

The ZBA then felt it necessary to rule that their demands had been met ONLY because of the binding legal agreement that Whitton and Werner signed. This was *clearly* stated in a recent ZBA ruling on the topic. It was circular and outcome-driven not a fair and reasonable review of the facts.

### 3. VOTING RECORD: Giving SPECIAL EXEMPTIONS for SOME developers

Did this incumbent side with residents and vote AGAINST giving special exemptions to developers that other applicants won't receive, and reject a Moratorium Law that specifically EXEMPTS resort applicants like Six Senses, even BEFORE permits have been issued?

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES absolutely and 100%. No developers or applicants get any special exemptions. The Moratorium Law, which has zero exemptions, was Michael and Eliot's idea and is already in place. The Moratorium Law cannot be applied retroactively to Six Senses, but is in effect moving forward.

The Conference Center Law amendment "loophole," co-written, introduced, and voted on by Town Board member Dean Michael in 2021, is what has allowed the Six Senses permit application to be approved as required by town law.

#### SaveClinton.org Response:

Again, this was NOT a question for candidates to answer, but rather a fact about the incumbent candidates' voting records. Their response says no special exemptions, yet this is slippery wordsmithing designed to confuse the public about the facts and the law. The moratorium they passed actually DID carve out a special exemption for applications in-progress, when New York State Moratoria Law *clearly* intends for pausing such in-progress applications specifically so municipalities may address inadequacies in their laws when such laws are ill-defined and/or not consistent with Comprehensive Plans. Way back in May 2024, supervisor Whitton and Eliot Werner were asked by residents to institute a moratorium and fix the law. Their response? They refused and supervisor Whitton countered that "lots of people WANT the development". We suspect this was after Supervisor Whitton and other officials "provided assurances" to the developers that they would SUPPORT the Resort development.

### 4. QUESTION: Are you aware and acknowledge that the Comprehensive Plan is a legally binding zoning framework, not just a suggestion or philosophical thinkpiece to be casually ignored?

The Comprehensive Plan, legally binding, serves as the blueprint for responsible growth in zoning law. Candidates must understand and abide by this fundamental principle of NY's municipal planning law.

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES.

**[SaveClinton.org](#) Response:**

While the candidates say “YES”, the town website calls the Comprehensive Plan is a “philosophical document” and actions show disregard for it's status as the legally binding framework under NY Town law. They *regularly* claim the Comprehensive Plan is “too old”, or “town demographics have changed”, or “insufficient respondents to a survey”, effectively minimizing or dismissing the importance of our Comprehensive Plan. Yet they produce NO EVIDENCE that the majority of town’s residents now *disagree* with the hospitality-related restrictions articulated in the Comprehensive Plan. We are only 13 years into a Comprehensive Plan that should last 10-20 years, with updates considered every 5 years. Yet the Democrat incumbents have NEVER motioned to address needed updates for cell towers or such items that would understandably be appropriate. Rather they’ve indeed treated it as only a philosophical document, making zoning law changes inconsistent with the Plan.

The comment by the Democrat candidates is considered NOT CREDIBLE based on previous statements and actions by the incumbents.

**5. QUESTION: Will you work for and vote to immediately REPEAL the loophole Conference Center law that allows resorts (of any size) in Conservation, Agricultural, and Very Low/Low Density Residential Areas?**

This question addresses the need to protect Clinton's rural and agricultural character and prevent inappropriate new development in areas designated for conservation, farming, and low-density residential.

WHITTON, WERNER, MOUDGIL-SHAH comment:

Yes, we agree in spirit and intention. But we do not believe repealing the law is a legally safe way for Clinton to solve this problem, as it will leave our town vulnerable to lawsuit after lawsuit that our town cannot afford to fight. Instead, we are instituting a moratorium on applications moving forward and a rewrite of the Conference Center Law to reflect the needs of our community. This solution is the most responsible way for us to move forward and rectify a poor law.

We would like to understand if Dean Michael, who was a member of the Town Board and helped write, introduced, and voted on the Conference Center Law amendment “loophole” in 2021, agrees that his law was a terrible mistake for the community and would repeal his own law if he were elected Town Supervisor.

**[SaveClinton.org](#) Response:**

The incumbent candidates have taken NO ACTION towards any repeal or law change in the TWO YEARS it's been clear the law is flawed. Claims regarding legal risk have been based solely on legal advice from the very lawyer and firm that wrote the loophole Conference Center Law. Several expert land-use attorneys have indicated the town could *best* protect itself from undesired development by immediate repeal of the law, rather than slow-walking

a Moratorium with exceptions, then Comprehensive Plan updates, then a new “Hospitality Law”, thereby providing existing applications significant time to gain permits prior to a new law. Would the town potentially be sued by unhappy applicants? Likely BUT the town board will be sued either way. The key issue is how best to protect residents, uphold the Comprehensive Plan and create the least legal risk in a court of law. Pandering to corporations perceived as prone to lawsuits would likely advertise to other unwanted development that our town will always stand down to a lawsuit.

Dean Michael has committed to retraction of the faulty Conference Center Law that was voted FOR in 2021 now that it's become obvious it's a loophole.

**6. QUESTION: Will you work toward and vote to immediately amend any land-use moratorium or law that exempts residents or businesses without permits in the event more time is needed to repeal the flawed Conference Center law and amend the hotels law?**

Equal treatment under the law means no special exceptions or backroom deals. All residents and developers must follow the same rules.

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES. We wholeheartedly believe in no special exemptions and no special deals for any residents or businesses. The law is the law.

**[SaveClinton.org](https://www.saveclinton.org) Response:**

This is misleading. The incumbent candidates deliberately passed a Moratorium Law that *exempts* any projects with submitted applications, when such projects have *no vested rights, no building permits* and *have not broken ground*. New York State Moratoria Law is specifically designed to affect any project *without* vested rights, but the incumbent candidates instead chose to deliberately add extensive language to the Moratorium to *exempt* any project already in the pipeline. This is unquestionably a deliberate exemption.

We consider this response to be 100% inconsistent with recent actions by the incumbent candidates.

**7. QUESTION: Will you commit to rapidly change any zoning laws that facilitate new development that is inconsistent with the Comprehensive Plan?**

Under New York State law, local zoning laws must be consistent with the Comprehensive Plan. This also protects our town from costly legal challenges and ensures fair and effective governance.

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES. We have committed to working as fast as we can to update the Comprehensive Plan (which has not been updated in 13 years) to clearly reflect the needs of the community when it comes to hotels and conference centers. We will then update the zoning laws to reflect the Comprehensive Plan updates while providing clear and unequivocal guidelines for application and execution.

**[SaveClinton.org](https://www.saveclinton.org) Response:**

While the Democratic candidates say “YES”, they have never even proposed a Comprehensive Plan review and perhaps minor revisions which is recommended every 5 years. They have not done so until *very* recently, in light of an Election. While Mr. Whitton and Mr. Werner have looked to ram through Zoning Law revision changes and shut down public comment, it was Ms. Mustello that suggested the Board STOP with the problematic Zoning Revisions package for which they were unable to clearly identify changes, and *instead* focus on getting the Comprehensive Plan redone. She was quickly shot down by Mr. Whitton & Werner. (One can review Board Meeting recordings to see this directly.)

The Comprehensive Plan makes clear that no resort hotels or motels should be permitted in any part of the town outside commercial areas in hamlets. Yet Mr. Whitton has often publicly DEFENDED the Conference Centers Law claiming NO loopholes while dismissing the Comprehensive Plan as being out of touch with community desires, and therefore easily ignored. We have NO ISSUE with reviewing and perhaps rewriting the Comprehensive Plan, but in the meantime, REPEAL of the flawed Conference Center Law, to keep unwanted development out until new laws can be properly formulated and passed.

Given Mr. Whitton’s and Mr. Werner’s complete Inaction on a Comprehensive Plan review OR repealing the Conference Center Law, during the last 2 years, all while *knowing* the town was at risk, we consider their response as inconsistent with their past inaction, and NOT CREDIBLE.

**8. QUESTION: Will you ensure NY’s Town Law best practices are followed, providing explicit objective criteria for the Planning Board and ZBA in zoning matters to reduce administrative burdens and legal risks?**

Clear, objective criteria help prevent arbitrary decisions, reduce legal risks, and ensure fair treatment for all applicants. This is why the NY Department of State urges all towns to adopt these best practices.

WHITTON, WERNER, MOUDGIL-SHAH comment:

YES. We are committed to making sure that the zoning laws we write are as clear, specific, and explicit as possible and leave no room for ambiguity. Eliot and Michael have been working with the Town Board and the public to update our current zoning laws. The revisions are currently being reviewed by the Dutchess County Planning Department.

**SaveClinton.org Response:**

While the Democratic candidates say “YES”, the facts show otherwise. Just this past summer, Mr. Whitton and Mr. Werner presented a set of zoning law changes that included *expansion of uses* for... Conference Centers, yet those changes were not highlighted in a red-line document that was supposed to identify differences in old versus proposed zoning law for public review. Groups like Scenic Hudson also identified flaws with the draft revisions and noted it was hard to understand what they were even doing with some of the proposed changes. Such issues were identified during public comment, yet no follow-up’s were done, and given they claim to have submitted to Dutchess County Planning, they had earlier said the Public Comment period was CLOSED, despite the identified errors. Past performance

leaves us expecting they've indeed expanded conference center use to include employee housing, in keeping with past favoritism to proposed Resort Hotel development.

The preceding comment by the candidates is considered NOT CREDIBLE based on previous statements and actions by the incumbents.