

**TOWN BOARD MEETING  
January 27, 2016**

A regularly scheduled Town Board Meeting was held on Wednesday, January 27, 2016 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following persons in attendance:

**Supervisor Diane McCord  
Councilperson Gloria Van Vliet  
Councilperson Wayne Freer  
Councilperson Kyle Barnett  
Councilperson Leslie Kalmus**

**Administrative Recorder: Holly A. Netter, Town Clerk**

Supervisor Diane McCord called the meeting to order at 7:33PM.

**PUBLIC COMMENT**

Legislator Carl Belfiglio said Ulster County has a plan for a different form of sales tax from the City of Kingston and from the Towns. Currently the Towns receive 3% of the sales tax and the City of Kingston receives 11.5%. Over the past few years the County has taken over the Safety Net & Election costs saving the Towns \$1,199,000. Legislator Belfiglio said he realizes the Town's expenses continue to go up on an annual basis. He suggested the Board call County Executive Michael Hein's office to get involved with the negotiations. Legislator Belfiglio said he would support the City going to 10% and continuing 3% for the Town. He does not know how the Towns will survive with 1/3 of the Towns' revenue going down. There are 23 members of the Legislature and 3 of those members are from the City of Kingston. Esopus has budgeted \$161,000 in their 2016 budget. If the cut passes in the legislature, Esopus would stand to lose \$57,000.

This will be a subject in which the Ulster County Supervisors Association will look into. They have stood united on many topics and have been successful.

**DICK WILLIAMS LANE – STEVE AARON**

Steve Aaron was not present. The topic was tabled for the Workshop of February 1<sup>st</sup>.

**RESOLUTION – ROBERT BRAKMAN – PLANNING BOARD**

TOWN OF ESOPUS  
PLANNING BOARD  
APPOINTMENT RESOLUTION

BE IT RESOLVED, by the Town Board of the Town of Esopus, in the County of Ulster, State of New York, as follows,

WHEREAS, there is a vacancy on the Planning Board,

THEREFORE, BE IT RESOLVED that the Town of Esopus Town Board appoints Robert H. Brakman to the Planning Board. Term to expire 12/31/16.

Resolution offered by: Councilperson Wayne Freer  
Seconded by: Councilperson Gloria Van Vliet

The Board was polled:

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Leslie Kalmus	AYE
Councilperson Kyle Barnett	AYE
Supervisor Diane L. McCord	AYE

**Resolution duly adopted.**

**VACANCIES ENVIRONMENTAL , PORT EWEN WATER SEWER & ASSESSMENT BOARDS**

Openings are available on the Environmental Board, Port Ewen Water Sewer & Assessment Board of Review. We are also looking for a Special Prosecutor to handle the cases for Vehicle & Traffic infractions as well as Code Enforcement. All interested parties should submit a resume to Holly Netter, Town Clerk at PO BOX 700 Port Ewen, NY 12466.

**TEMPORARY APPOINTMENT SPECIAL PROSECUTOR – MATT JANKOWSKI**

**A MOTION WAS MADE BY COUNCILPERSON KYLE BARNETT TO APPOINT MATT JANKOWSKI AS TEMPORARY SPECIAL PROSECUTOR WHILE THE BOARD SEARCHES FOR A REPLACEMENT. THE MOTION WAS SECONDED BY COUNCILPERSON WAYNE FREER. ALL MEMBERS WERE IN FAVOR, MOTION CARRIED.**

**RESOLUTION ACCEPTING REFORM, OF NYS PUBLIC EDUCATION**

Tabled until February 1, 2016.

**RESOLUTION REZONING FEE**

**RESOLUTION TO SET  
A REZONING FEE AND PROCEDURE FEE FOR  
THE TOWN OF ESOPUS**

**BE IT RESOLVED**, BY THE Town Board of the Town of Esopus, in the County of Ulster, State of New York, the following:

**WHEREAS**, The Town Board has decided to adopt a Rezoning Fee of \$2000 plus a \$250 per Attendance Fee at Town Board meetings,

**THEREFORE, BE IT RESOLVED**, that the Town of Esopus Town Board agrees to establish a Rezoning Fee and Procedure Fee of \$2,000 plus a \$250 per meeting attendance fee to cover the costs of the rezoning.

Resolution offered by: Councilperson Kyle Barnett  
Seconded by: Councilperson Les Kalmus

The Board was polled:

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Leslie Kalmus	AYE
Councilperson Kyle Barnett	AYE
Supervisor Diane L. McCord	AYE

**Resolution duly adopted.**

**\$5,000 PUBLIC ACCESS GRANT**

The Town has been awarded a \$5,000 grant from Assemblyman Cahill’s office and used to upgrade community access channel 23.

**CPR TRAINING FOR EMPLOYEES**

Captain Carr from TEVAS is offering CPR training classes for the Town employees. A signup sheet will be passed around to all the departments and dates will be scheduled for the training.

**RELOCATION OF LIGHTHOUSE PARK SHED**

**A MOTION WAS MADE TO MOVE THE SHED FROM LIGHTHOUSE PARK TO THE REAR OF THE TOWN HALL BUILDING BY COUNCILPERSON GLORIA VAN VLIET. THE MOTION WAS SECONDED BY COUNCILPERSON KYLE BARNETT. ALL MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

**AUTHORIZATION TO SIGN UCSPCA CONTRACT**

**Contract for the Care and Boarding of Canines  
Town of Esopus**

Agreement made the 27 day of **JANUARY, 2016** between **Ulster County S.P.C.A. (U.C.S.P.C.A.)**, a not for profit entity maintaining offices at **20 Wiedy Rd. Kingston, New York 12401** the **Town of Esopus**, a municipal corporation maintaining offices at **284 Broadway in Ulster Park, New York 12487 (the "Municipality")**.

**Effective Date of Contract January 1, 2016 – December 31, 2016**

**Witnessed:**

**Whereas**, the **U.C.S.P.C.A.** maintains a kennel for the housing of canines that come into the custody of the Town Dog Control Officer; and

**Whereas**, the Municipality has a need to house some of the canines that come into the custody of its Dog Control Officer; and

**Whereas**, the **U.C.S.P.C.A.** will designate 2 pens for Town of Esopus Dogs and will be available to the Municipality pursuant to the terms and conditions set forth herein.

**Now, therefore**, it is agreed as follows:

1. Use of Kennel. The Municipality shall be permitted to utilize the kennel for the sole purpose of housing canines that come into the custody of its Dog Control Officer or other authorized officer and/or employee. Such use of the kennel shall be on a space available basis only with the understanding that 2 Pens will be designated for Esopus dogs. In the event that the Municipality has more than 2 dogs and there is no longer surplus capacity that can be utilized, The Municipality will find alternative boarding for the dog.

The U.C.S.P.C.A. and the Town of Esopus will comply with all New York State Agriculture and Markets rules and regulations for kennels, including the filing of documentation, within the time frame required, for each and every dog housed in the facility.

2. Duties of U.C.S.P.C.A.: Veterinarian Services. The U.C.S.P.C.A. shall be responsible for maintaining all canines housed in the kennel, including providing for their normal dietary needs.

3. Fees; Billing. The Municipality shall pay the U.C.S.P.C.A. \$15.00 per canine per day or part thereof. The Municipality shall be billed monthly and all invoices shall be paid within thirty days.

4. Disclaimer of Liability; Indemnification. The Municipality acknowledges and agrees that this agreement is entered into for the sole benefit of the Municipality and that the U.C.S.P.C.A. shall not be liable to the Municipality or to any third party as a result of its duties and/or responsibilities arising under this Agreement, except in the event of gross negligence. The Municipality agrees to indemnify and defend the U.C.S.P.C.A. against any and all claims relative to housing of canines on behalf of the municipality pursuant to this Agreement.

5. Adoption. All attempts will be made to locate the owners of the dogs. If after 7 days the owner does not redeem the dog, the U.C.U.S.P.A. will conduct a temperament evaluation. Upon the dog passing the evaluation the ownership of the dog will transfer to the U.C.S.P.C.A., Vaccinations, Neutering and Spay costs shall be paid by the adopter. If the evaluation determines the dog has workable behavioral issues, the Town will absorb the costs to have the necessary vaccinations and deworming to enable the dog to be safely socialized and handled by people as well as ensuring the safety of the other canines. The U.C.S.P.C.A. and the Municipality agree to cooperate with one another to assist in the adoption of canines through advertising, publicity and community outreach. Should a dog be deemed having a permanent behavior issue, it will be returned to the Dog Control Officer.

6. Euthanasia. The U.C.S.P.C.A. and the Municipality will not euthanize a dog unless it is deemed to be dangerous, chronically ill and or mandated by a court order. The expense will be the responsibility of the Municipality.

7. Term of Agreement: The U.C.S.P.C.A. and the Municipality will renew this contract on a yearly basis January through December of each year.

**A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER TO AUTHORIZE THE SUPERVISOR TO SIGN THE 2016 CONTRACT WITH UCSPCA. THE MOTION WAS SECONDED BY COUNCILPERSON LES KALMUS, ALL MEMBERS WERE IN FAVOR, MOTION CARRIED.**

**APPROVAL OF MINUTES**

**A MOTION WAS MADE BY COUNCILPERSON KYLE BARNETT TO APPROVE THE TOWN CLERK'S MINUTES. THE MOTION WAS SECONDED BY COUNCILPERSON FREER. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**COMMUNICATION & REPORTS ARE AVAILABLE IN THE TOWN CLERK'S OFFICE**

**NO BUDGET ADJUSTMENTS**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS - DECEMBER 2015 FINAL**

**BE IT RESOLVED**, by the Town Board of the Town of Esopus, County of Ulster as follows:

**WHEREAS**, the Town of Esopus has been presented with vouchers for payment and these vouchers have been examined and approved by the Town Board,

**THEREFORE, BE IT RESOLVED**, that the following vouchers be approved for payment:

<b>General Fund</b>	<b>151657-151706</b>	<b>\$ 48,227.32</b>
<b>Highway Fund</b>	<b>152349- 152377</b>	<b>\$ 17,485.64</b>
<b>Street Lights</b>		
<b>Port Ewen Sewer Fund 153172- 153189</b>		<b>\$ 8,301.30</b>
<b>Port Ewen Water Fund 154331 -154345</b>		<b>\$ 15,159.51</b>
<b>Total.....</b>		<b>\$ 89,173.77</b>

**A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.**

**OFFERED BY:** Councilperson Wayne Freer  
**SECONDED BY:** Supervisor Diane McCord

Councilperson Wayne Freer	<b>AYE</b>
Councilperson Gloria Van Vliet	<b>AYE</b>
Councilperson Kyle Barnett	<b>AYE</b>
Councilperson Leslie Kalmus	<b>AYE</b>
Supervisor Diane McCord	<b>AYE</b>

**ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS - January 2016**

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**BE IT RESOLVED**, by the Town Board of the Town of Esopus, County of Ulster as follows:

**WHEREAS**, the Town of Esopus has been presented with vouchers for payment and these vouchers have been examined and approved by the Town Board,

**THEREFORE, BE IT RESOLVED**, that the following vouchers be approved for payment:

<b>General Fund</b>	<b>161000-161025</b>	<b>\$ 178,230.87</b>
<b>Highway Fund</b>	<b>162000- 162010</b>	<b>\$ 13,688.37</b>
<b>Street Lights</b>	<b>166000</b>	<b>\$ 6,071.06</b>
<b>Port Ewen Sewer Fund 163000 - 1630008</b>		<b>\$ 17,812.02</b>
<b>Port Ewen Water Fund 164000 - 164013</b>		<b>\$ 32,619.86</b>
<b>Total.....</b>		<b>\$ 248,422.18</b>

**A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.**

**OFFERED BY:** Councilperson Leslie Kalmus  
**SECONDED BY:** Councilperson Gloria Van Vliet

<b>Councilperson Wayne Freer</b>	<b>AYE</b>
<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Kyle Barnett</b>	<b>AYE</b>
<b>Councilperson Leslie Kalmus</b>	<b>AYE</b>
<b>Supervisor Diane McCord</b>	<b>AYE</b>

**ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

**MISCELLANEOUS**

Councilperson Kyle Barnett asked where the memo regarding the proposal for a weapons ban in the workplace came from. Supervisor McCord said NYMIR, the Towns' insurance company made the suggestion of placing a ban on weapons in the workplace as part of their Risk Management recommendations. The only staff that would be allowed to carry weapons under this recommendation would be Law Enforcement Officers, Court Officers and Peace Officers. Any other employees would be subject to the division of Criminal Justice Services (DCJS) regulations. The company would like us to

adopt the sample policy that was given to all employees and Town Board Members. Councilperson Barnett said he had many calls regarding this. He said his personal feeling is there is no evidence that he is aware of, which shows placing additional restrictions on lawful gun owners improves our safety. Councilperson Barnett said he is not comfortable supporting any policy that infringes upon the liberties of our Town residents or employees. If anyone is considering proposing such prohibition he said he would make it clear for the record that he is adamantly against it. Councilperson Freer added that he shares the same feelings as Councilperson Barnett and is not in favor of implementing this type of policy. Councilperson Gloria Van Vliet also feels no other restrictions should be placed on a licensed gun owner. Les Kalmus had no comments to add. Supervisor McCord said she was given the information and asked to distribute it. No promise was made to NYMIR to pass the ban. Councilperson Van Vliet asked the Supervisor, what prompted this. Supervisor McCord said it was just part of his annual review. NYMIR also recommended having a cyber policy, which was already in place with Marshall & Sterling.

Councilperson Kyle Barnett said he needed to correct an oversight on his part. At the Organizational Meeting on January 1, 2016, when Les Kalmus was appointed to the Board, he felt he did a disservice to Les by not sharing his credentials prior to his appointment as Councilman. Councilperson Barnett shared highlights from Councilperson Kalmus' resume and said how fortunate we are as a Town to have him as part of our Board. Les Kalmus has 35 years in management, business administration, finance and information technology and consulting services. He was President, Chief Operating Officer and co-founder of CyberStaff America, Ltd. CyberStaff went from a startup company to number 37 in Inc. magazine. Kalmus was Vice President in the Client Technology Group of Dow Jones/Telerate. He had a distinguished career with Merrill Lynch and has been Treasurer and President of Congregation Emanuel in Kingston. Supervisor Barnett thanked Les for offering to be part of the Town Board and serving the Town.

**A MOTION WAS MADE TO ENTER INTO EXECUTIVE SESSION AT 8:14 PM TO DISCUSS A PERSONNEL MATTER REGARDING THE HIRING OF A VENDOR FOR SOLAR ENERGY. THE MOTION WAS SECONDED BY COUNCILPERSON WAYNE FREER. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO COME OUT OF EXECUTIVE SESSION AT 8:58 AND WAS SECONDED BY COUNCILPERSON FREER. ALL MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

**NO DECISIONS WERE MADE.**

### **ADJOURNMENT**

**A MOTION TO ADJOURN AT 9:00 PM WAS MADE BY COUNCILPERSON GLORIA VAN VLIET AND SECONDED BY COUNCILPERSON LES KALMUS. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.**

Respectfully submitted,

Holly A. Netter  
Town Clerk