

**TOWN BOARD MEETING
JANUARY 25, 2017**

A regularly scheduled Town Board Meeting was held on Wednesday, January 25, 2017 in the Town Hall, 284 Broadway, Ulster Park, N.Y. with the following persons in attendance:

**Supervisor Diane McCord
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Jared Geuss
Councilperson Kathie Quick**

Administrative Recorder: Holly A. Netter, Town Clerk

Supervisor Diane McCord called the regularly scheduled Town Board Meeting to order at 7:30 PM.

PLEDGE

PUBLIC COMMENT – NONE

Supervisor Announcements

Supervisor McCord made the following announcements:

1. During a recent Supervisor's Meeting the Town of Rosendale told the other supervisors they had received a check for \$77,000 from a company named Computel. This company reviewed Rosendale's street lighting survey and found many errors. If Computel found errors made by Central Hudson, they would keep 50 percent of the proceeds and if no errors were found there would be no charge to Rosendale. Supervisor McCord wrote to Computel and they will do a check of our Town street lights for 40 percent of the profits. Supervisor McCord said she sees this as a win-win situation. Supervisor McCord asked the Board for their opinion. The contract was emailed to the Board prior to the meeting for review. All members thought it was a good idea.

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER TO ENTER INTO CONTRACT WITH COMPUTEL AND AUTHORIZED THE SUPERVISOR TO SIGN THE CONTRACT. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

2. Last winter a very large tree came down at the Riverview Cemetery. The cemetery, with the help of the Highway Department, took care of the tree. There is a piece of property that does not belong to the cemetery and there are many very large trees on this abandoned property. The Riverview Cemetery has no money to take down these dangerous trees. In fact, the cemetery will be abandoned to the Town within the next few years. My question is, who is responsible for the trees on this abandoned parcel? Supervisor McCord said she believed it was an accident waiting to happen and asked, should we wait for this accident or be proactive and take down one or more of the trees over the next few years? Supervisor McCord asked the Board to think about how they would like to proceed.
3. We will begin working on the new ID badges for Town Employees in February.
4. Tim Halpin, Commissioner for the Port Ewen Fire Dept., told Supervisor McCord they are contemplating solar energy. Supervisor McCord will meet with Tim Halpin in the near future and give them information on BQ Energy.
5. Central Hudson has requested a Field Inspection of our Customer Gas Owned Regulators. Lowes' has been contacted and will be here on January 31st. There are several questions being asked such as; are the connections readily accessible for servicing? Are the lines protected against physical damage? Are the vents adequately sized independent to the outside of the building? Etc., etc.
6. Myles has the new GIS (geographic information system) MAP on his computer which includes all the updates. He will print it out and the Board can vote to adopt the changes within the next few months.
7. The cost for covering our C & D at the Transfer Station is \$1,595.
8. Scott Dutton has withdrawn his request to change the zoning from Neighborhood Commercial to General Commercial. The Captain Vantastic property will remain the same.
9. The Association of Towns Meeting will only be held in New York City. There are no meetings scheduled for Albany.

EXECUTIVE SESSION – INTERVIEW ALICIA BARNES

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER AT 7:40 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING FOR THE POSITION OF SECRETARY FOR THE WATERFRONT ADVISORY BOARD AND ENVIRONMENTAL BOARD.

COUNCILPERSON KATHIE QUICK SECONDED THE MOTION. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO COME OUT OF EXECUTIVE SESSION AT 7:55 PM. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

APPOINTMENT – ALICIA BARNES WATERFRONT AND ENVIRONMENTAL SECRETARY

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER TO APPOINT ALICIA BARNES AS THE SECRETARY FOR THE WATERFRONT ADVISORY BOARD AS WELL AS THE ENVIRONMENTAL BOARD AT THE RATE OF \$13.00. THE TERM WILL EXPIRE 12/31/2017. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

INTERVIEW – BIANCA CAPUANO

A MOTION WAS MADE BY SUPERVISOR MCCORD AT 7:56 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING BIANCA CAPUANO FOR THE POSITION OF ENVIRONMENTAL BOARD MEMBER. COUNCILPERSON KATHIE QUICK SECONDED THE MOTION. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO COME OUT OF EXECUTIVE SESSION AT 7:55 PM. THE MOTION WAS SECONDED BY COUNCILPERSON WAYNE FREER. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

APPOINTMENT – BIANCA CAPUANO ENVIRONMENTAL BOARD

A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO APPOINT BIANCA CAPUANO TO THE ENVIRONMENTAL BOARD WITH A TERM TO EXPIRE 12/31/18. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**TOWN OF ESOPUS, NY
TOWN BOARD
RESOLUTION**

PROJECT: LOCAL LAW NO. 1 OF 2017

Amendment to Section 123-46.B(4) of the Zoning Local Law of the Town of Esopus

WHEREAS, the Town Board of the Town of Esopus has before it proposed Local Law No. 1 of 2017, which will amend the provisions for public hearing notices for special use permits and site plans, as set forth in Section 123-46.B(4) of the Zoning Local Law of the Town of Esopus; and

WHEREAS, the proposed zoning law amendment will bring the minimum time periods for advertising a public hearing on a special use permit or site plan application into consistency with the time periods set forth in Sections 274-a and 274-b of the NYS Town Law; and also with the time periods set forth in the Town of Esopus Subdivision of Land Local Law; and

WHEREAS, the proposed amendment will also eliminate the requirement that public hearing notices be mailed to adjacent landowners by certified mail, which incurs a needless expense for the Town, by allowing such notices to be distributed via regular mail; and

WHEREAS, at its October 3, 2016 workshop meeting, the Town Board of the Town of Esopus referred the proposed local law to the Ulster County Planning Board and to the Town of Esopus Planning Board for review and comment; and

WHEREAS, at its December 7, 2016 meeting, the Ulster County Planning Board reviewed the proposed local law, did not find any "county impact", but made advisory recommendations relating to the approval of the proposed local law; and

WHEREAS, in e-mail correspondence dated November 7, 2016 meeting, the Town of Esopus Planning Board expressed its support for the proposed local law; and

WHEREAS, at its regular meeting on October 26, 2016, the Town Board of the Town of Esopus held a public hearing on Local Law No. 1 of 2017, at which time members of the public were given an opportunity to comment on the proposed local law, at which time no comments were made in opposition to the proposed zoning amendment; and

WHEREAS, at its regular meeting on October 26, 2016, the Town Board of the Town of Esopus rendered a Determination of Non-Significance (Negative Declaration) pursuant to the NY State Environmental Quality Review (SEQR) regulations, finding that the proposed action will not have any adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED that:

1. The Town Board of the Town of Esopus hereby approves Local Law No. 1 of 2017, which amends Section 123-46.B(4) of the Town of Esopus Zoning Local Law.
2. This action of the Town Board shall be in the form of a local law to be filed with and recorded by the New York State Department of State.
3. Copies of this decision be filed with the office of the Town Clerk of the Town of Esopus and the Ulster County Planning Board.

Motion made by: Wayne Freer, Councilperson
Seconded by: Kathie Quick, Councilperson

The vote of the Town of Esopus Town Board being as follows:

Councilperson Gloria Van Vliet	Aye
Councilperson Wayne Freer	Aye
Councilperson Jared Geuss	Aye
Councilperson Kathie Quick	Aye
Supervisor Diane McCord	Aye

Resolution duly adopted.

INTRODUCTION OF LOCAL LAW ADOPTING CHARTER 35 / PLANNING AND ZONING ALTERNATES

LOCAL LAW NUMBER TWO (2) FOR 2017

CHAPTER 35

PLANNING AND ZONING BOARD ALTERNATES

- 35-1. Short title and applicability.**
 - 35-2. Declaration of policy.**
 - 35-3. Definitions.**
 - 35-4. Authorization; appointment; term; powers and duties.**
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35-1. Short title and applicability.

The title of this chapter is “Alternate Planning Board and Zoning Board of Appeals Members Act.” This chapter shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and the Zoning Board of Appeals in the Town of Esopus.

35-2. Declaration of policy.

It is sometimes difficult to maintain a quorum on the Planning Board and Zoning Board of Appeals because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this chapter.

35-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALTERNATE MEMBER – An individual appointed by the Town Board to serve on the Town’s Planning Board or Zoning Board of Appeals when a regular member is absent or unable to participate on an application or matter before the respective Board as provided herein.

PLANNING BOARD - The Planning Board of the Town of Esopus as established by the Town Board by local law or ordinance pursuant to Section 271.15 of NYS Town Law, and pursuant to the provisions of Chapter 34 of the Town of Esopus Code.

REGULAR MEMBER – An individual appointed by the Town Board to serve on the Town’s Planning Board or Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such Planning Board or Zoning Board of Appeals.

ZONING BOARD OF APPEALS – The Zoning Board of Appeals of the Town of Esopus as established by the Town Board by local law or ordinance pursuant to Section 267.11 of NYS Town Law.

35-4. Authorization; appointment; term; powers and duties.

- A. The Town Board of the Town of Esopus hereby enacts this chapter to provide a process for appointing one alternate member to the Planning Board and one alternate member to the Zoning Board of Appeals. The alternate member would serve when regular members are absent or unable to participate on an application or matter before the respective Board.

- B. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board, or other duly authorized appointing authority, for a term of two year(s).
- C. The Chairperson of the Planning Board and the Zoning Board of Appeals may designate the Alternate member to substitute for a regular member for any reason, application, matter, or period of time such member is absent or unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers of a regular member of the Board. Such designation shall be entered into the minutes of the initial Planning Board or Zoning Board of Appeals meeting at which the substitution is made.
- D. Any decision or determination of the Planning Board or the Zoning Board of Appeals which includes the vote of the alternate Planning Board or Zoning Board of Appeals member shall have equal force and effect as determinations made solely by a vote of the regular members of said Planning Board or Zoning Board of Appeals.

**** Each Board member received a copy of the proposed local law. A Public Hearing has been scheduled for February 22, 2017 at 7:15 pm. Town clerk Holly Netter will advertise the Public Hearing in the Daily Freeman.**

Local law to establish ZBA Escrow account – tabled no paperwork available

PURCHASE OF TRANSFER STATION ROLLOFF COVER

A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO APPROVE THE PURCHASE OF A COVER FOR THE ROLLOFF AT THE TRANSFER STATION IN THE AMOUNT OF \$1,595 FROM EAGLE CARPORTS. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

The covering will keep the materials dry to prevent getting charged for additional weight. The Town will save money in the long run.

ESI AGREEMENT – EMPLOYEE ASSISTANT PROGRAM (EAP)

A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE AND AUTHORIZE SUPERVISOR MCCORD TO SIGN THE ESI AGREEMENT FOR THE EMPLOYEE ASSISTANCE PROGRAM FOR COVERAGE 1/1/2017- 12/31/17 IN THE AMOUNT OF \$3,000. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MEETING WILL BE HELD FOR ALL EMPLOYEES FEBRUARY 16, 2017 AT 9AM.

APPROVAL OF BAIL REFUND JOHN JONES IV

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER TO APPROVE THE VOUCHER FOR THE RETURN OF BAIL IN THE AMOUNT OF \$10,000 TO JOHN JONES IV. THE MOTION WAS SECONDED BY COUNCILPERSON VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

APPROVAL OF THE MINUTES

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

COMMUNICATION & REPORTS ARE AVAILBLE IN THE TOWN CLERK'S OFFICE

ADJOURNMENT

A MOTION TO ADJOURN WAS MADE BY SUPERVISOR MCCORD AT 8:30 PM . THE MOTION WAS SECONDED BY COUNCILPERSON FREER. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Respectfully submitted,

Holly Netter
Town Clerk, RMC