

## **TOWN BOARD MEETING**

**April 17, 2014**

A regularly scheduled Town Board Meeting was held on Thursday, April 17, 2014 in the Town Hall 284 Broadway Port Ewen, New York at 7:30 PM with the following persons in attendance:

**Supervisor John Coutant**  
**Councilperson Gloria Van Vliet**  
**Councilperson Wayne Freer**  
**Councilperson Kyle Barnett**  
**Councilperson Diane McCord**

**Tim Keefe, Building Inspector**

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

Supervisor John Coutant called the meeting to order at 7:30 PM.

### **PUBLIC COMMENT**

Robert Hagopian, Professional Engineer from Kingston, attended the meeting and introduced himself. He provided everyone with a brochure and business card. He was the engineer called in on the Birchez project to redesign the project which enabled it to move forward. He is currently the Town of Gardiner's Planning Board Consultant. Mr. Hogopian attends the meetings for free and helps the applicants and now he has offered to do the same for the Town of Esopus. Supervisor Coutant told Mr. Hagopian he would make sure the Planning Board Chairman, Roxanne Pecora got a brochure and business card so she could set up an appointment to make a presentation for the Planning Board.

### **Public Hearing – 113 E. Main Street**

Supervisor Coutant read a letter which was written by the Town Building Inspector Timothy Keefe. The letter was addressed to the Estate of Robert Levreault and was written pursuant to Chapter 59 of the Town of Esopus Code and Section 107 of the Property Maintenance Code of NY State. The dwelling located at 113 E. Main Street has been declared unsafe and dangerous to the public. A copy of the letter has been attached to these minutes as **ADDENDUM A**.

After the letter was read by Supervisor Coutant, Councilperson Gloria Van Vliet asked if Tim Keefe, building inspector, had heard anything in regard to this letter. A certified letter was sent out and was returned undeliverable. Over the past few years all correspondence such as tax bills and water and sewer bills have been returned as well. Mr. Keefe also sent out a notice to Wells Fargo Home Mortgage. The building department received a phone call from Kenneth Shean a lawyer from Plainview, Long Island. He did not leave a phone number to enable Tim to

return his call. The lawyer was going to send a letter via fax by April 1<sup>st</sup> but to date the building department has not received anything from him.

Based on the information provided by the building department, Councilperson Kyle Barnett felt we had complied with the code. We sent a notice to the address of record on the tax roll and it was posted. Councilperson Kyle Barnett asked Tim if he complied with all the notice requirements under the code. Tim gave his testimony of the condition of the property and pictures were provided. The roof has totally collapsed into the house and the house is inhabitable. Councilperson Diane McCord said she thought the home had an asbestos roof. The building inspector said he was not sure about that but he thought the siding was asbestos. It was made clear by Councilperson Barnett that whoever received the contract to remove the building would have to comply with all Local, State and Federal environmental laws. Councilperson Wayne Freer did not feel the pictures showed enough proof that the home was to that point of deterioration. The building inspector explained the roof has collapsed inside the dwelling and therefore cannot be seen. Supervisor John Coutant has personally seen the house and could attest the roof was down inside the building. Other than an aerial view, Tim Keefe felt he could not obtain pictures of the roof down inside the building.

Councilperson Gloria Van Vliet also reiterated the need to have 3 estimates for the removal.

**Councilperson Kyle Barnett made a motion to close the Public Hearing, Seconded by Councilperson Diane McCord. Motion carried.**

**RESOLUTION FOR  
DEMOLITION OF PREMISES LOCATED AT  
113 EAST MAIN STREET  
PORT EWEN**

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

**WHEREAS**, the Town will seek three estimates based on anticipation of removal of asbestos for the demolition of an unsafe structure located at 113 East main Street, Port Ewen

**Therefore, BE IT RESOLVED**, that the Town of Esopus, Town Board approves the removal of the structure at 113 East Main Street, Port Ewen. Price will follow. Cost for remediation will be relieved against the property.

**Resolution offered by: Supervisor John Coutant**

**Resolution seconded by: Councilperson Kyle Barnett**

**The Board was polled:**

<b>Supervisor John Coutant</b>	<b>AYE</b>
<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Wayne Freer</b>	<b>NO</b>
<b>Councilperson Kyle Barnett</b>	<b>AYE</b>
<b>Councilperson Diane McCord</b>	<b>AYE</b>

**4 Ayes – 1 NO Resolution duly adopted.**

Councilperson Diane McCord asked Councilperson Wayne Freer to explain what his objections were. Councilperson Freer had several issues with the resolution. The first was his understanding of a public hearing was that it was to be separate from a regular Town Board meeting. The second was the way the resolution was written and the amount of testimony that was given by the Building Inspector to come to a determination. Supervisor Coutant read a letter that Tim Keefe wrote which Councilperson Freer perceived to be second hand information. We did not hear any of that from Tim. Wayne did not feel they did due process. Councilperson Kyle Barnett redirected the question to Tim and said, "To reconfirm, did I not hear you testify that the building was a complete loss and the roof collapsed in and of itself. And did you not also testify that it is an unsafe structure? Is that based on your own observations or did someone tell you that?" Tim Keefe said yes to Councilperson Barnett's questions and also said it was his own observation. Councilperson Freer also did not like the fact the attorney from Wells Fargo said he would fax something back to the building department and we never received it.

Tim Keefe said he would send out another communication to Wells Fargo prior to making the arrangements to take the home down. The Town Board was pleased with that decision and Councilperson Barnett did not see any problem in sending an additional letter. If the bank decides to demolish the house on their own, that would be fine with the Town of Esopus.

Supervisor John Coutant asked Building Inspector Tim Keefe to document all of the actions he takes from this point forward, to bring to light that we made a reasonable concerted effort.

Supervisor John Coutant moved on to the next item on the agenda and was interrupted by Tim Keefe saying we had another piece of property on Union Center Road for demolition. This item was not listed on the agenda. Tim Keefe said he gave it to April Oneto, Secretary to the Supervisor two weeks ago along with the property located at 113 East Main. Tim also said he had sent an email to the councilmen advising them of the two properties. Supervisor Coutant did not recall ever seeing the request for the second property. After a lengthy discussion, it was determined that the public hearing had not been posted in the paper and therefore all actions needed to be rescinded.

A motion was made by Councilperson Diane McCord to rescind the past two actions with regard to the Demolition at 113 East Main Street. Councilperson Gloria Van Vliet seconded the motion. All were in favor, motion carried.

**RESOLUTION IN SUPPORT OF:  
ULSTER COUNTY TOWN CLERKS &  
ULSTER COUNTY  
TAX RECEIVERS ASSOCIATION  
NEW YORK**

**WHEREAS**, at a meeting of the Ulster County Town Clerks and Tax Receivers Association held on February 20, 2014 at the Town of Esopus, Ulster County, it was discovered Townships and Villages throughout the region are having serious problems with mail delivery, including the timely delivery and receipt of annual tax bills; and

**WHEREAS**, delays in the delivery of tax bills, official mail, utility bills and important notices with deadlines which impede governmental functions and responsibilities; and  
**WHEREAS**, it was decided to contact Local, County, State and Federal elected officials, and invite them to a meeting of the Ulster County Town Clerks and Tax Receivers Association to bring this serious problem to their attention and to seek their assistance to address it; and

**WHEREAS**, Local, County, State and Federal Officials named below were each invited to attend the March 20th meeting of the Ulster County Town Clerk's and Tax Receivers Association:

- . Town of Woodstock Supervisor, Jeremy Wilber
- . Ulster County Legislator, Donald Gregorius
- . Ulster County Legislator, Chairman, John Parete
- . Ulster County Executive, Michael Hein
- . New York State Senator, Cecilia Tkaczyk
- . New York State Senator, Terry Gipson
- . New York State Senator, James Seward
- . New York State Senator, John Bonacic
- . New York State Senator, William Larkin
- . New York State Assemblywoman, Claudia Teney
- . New York State Assemblyman, Frank Skartados
- . New York State Assemblyman, Peter Lopez
- . New York State Assemblyman, Kevin Cahill
- . United States Senator, Kirsten Gillibrand
- . United States Senator, Charles Schumer
- . United States Congressman, Chris Gibson, and
- . United States Congressman, Patrick Maloney

**WHEREAS**, members of the Ulster County Town Clerks and Tax Receivers Association held its regular meeting on March 20, 2014 at the Town of Woodstock offices; and

**WHEREAS**, Officials unable to attend or send a representative requested minutes of the meeting; and

**WHEREAS**, the Ulster County Town Clerks and Tax Receivers Association members enumerated to the gathered body the many instances where delays in the delivery of mail caused serious problems for Ulster County Town Clerks and Tax Receivers; and **WHEREAS**, it is the opinion of the Ulster County Town Clerks and Tax Receivers Association problems with the timely delivery and receipt of mail began to worsen from the time local mail processing was transferred from Kingston to Newburgh and then to Albany; and **WHEREAS**, the problem impedes governmental functions and responsibilities, thus angering and confusing constituents; and **WHEREAS**, Ulster County Town Clerks and Tax Receivers Association considers this problem to be of the utmost importance; therefore **BE IT RESOLVED**, the Ulster County Town Clerks and Tax Receivers Association calls upon our County, State and Federal Representatives to take the steps necessary to rectify these problems and improve the timely delivery and receipt of mail; and **BE IT FURTHER RESOLVED**, that certified copies of this resolution be sent by each of the Ulster County Town Clerks and Tax Receivers to the Ulster County Executive, and to the **County, State and Federal officials** named herein, AND **BE IT FURTHER RESOLVED**, that the ESOPUS Town Board **HEREBY** fully supports their efforts in resolving all issues involving the US mail for the benefit of our Town residents, and **BE IT FURTHERED RESOLVED** that said resolution be spread upon the pages of the Official Record of the Town of ESOPUS and forwarded to ALL of the Elected Representatives listed above.

**Resolution offered by:** Supervisor John Coutant  
**Resolution seconded by:** Councilperson Wayne Freer

**The Board was polled:**

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

**Resolution duly adopted**

**MEMORIAL DAY PARADE**

The Memorial Day Parade will be held on Monday May 26<sup>th</sup>. The parade will kick off at 10 am. The units will assemble between 9:30am and 9:50am at the Dollar General and conclude at the Riverview Cemetery. As in the past the parade will return upon completion of the ceremony and retreat back to the Port Ewen Fire Station.

**River Sweep – April 26, 2014 – Sleightsburgh Spit Park**

The Great River Sweep will be April 26<sup>th</sup> from 9 am – 11:30 am at the Sleightsburgh Spit Park. Sturdy shoes and work gloves are recommended. All help is greatly appreciated.

**BUDGET ADJUSTMENTS - NONE**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS**

**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:

General Fund	141130 - 141188	\$ 88,519.64
Highway Fund	142068-142097	\$ 81,911.08
Street Lights	146004	\$ 7,087.95
Port Ewen Sewer Fund	143045 - 143063	\$133,298.23
Port Ewen Water Fund	144071 - 144095	\$ 23,035.61
Total.....		\$ 333,852.51

**A MOTION TO APPROVE PAYMENT OF VOUCHERS FOR THE MONTH OF APRIL WAS OFFERED BY COUNCILPERSON Diane McCord AND SECONDED BY COUNCILPERSON Kyle Barnett. ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

Supervisor John Coutant	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Wayne Freer	AYE
Councilperson Kyle Barnett	AYE
Councilperson Diane McCord	AYE

**APPROVAL OF MINUTES**

**A Motion to approve the minutes of previous meetings was made by Supervisor John Coutant and seconded by Councilperson Diane McCord. All Town Board Members voted in favor. Motion Carried.**

**Communication & Reports are available in the Town Clerk's Office.**

**ADJOURNMENT**

**A Motion to adjourn at 8:15 PM was made by Councilperson Gloria Van Vliet and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.**

**Respectively Submitted,**

**Holly A. Netter  
Town Clerk**