

**TOWN BOARD MEETING
June 18, 2015**

A regularly scheduled Town Board Meeting was held on Thursday June 18, 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following persons in attendance:

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

Administrative Recorder: Holly A. Netter, Town Clerk

Deputy Supervisor Kyle Barnett called the meeting to order at 7:40 PM. He explained Supervisor Coutant was having some health issues and expressed on behalf of the Board their thoughts and prayers for a speedy recovery.

PLEDGE TO THE FLAG

PUBLIC COMMENT – NON- AGENDA ITEMS – NONE

**TOWN OF ESOPUS
RESOLUTION AUTHORIZING THE TOWN DEPUTY SUPERVISOR
TO SIGN N.HARRIS COMPUTER CORP. CONTRACT**

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 of the Town of Esopus have received and reviewed the Software Licenses and Professional Services Contract with N. Harris Computer Corporation,

THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board authorizes the Deputy Town Supervisor Kyle Barnett to execute the Contract list above on behalf of the Town of Esopus.

Resolution offered by: Councilperson Wayne Freer
Resolution seconded by: Councilperson Diane McCord

Councilperson Diane McCord	Aye
Councilperson Kyle Barnett	Aye
Councilperson Gloria VanVliet	Aye
Councilperson Wayne Freer	Aye
Supervisory John K. Coutant	Absent

REHABILITATION SUPPORT SERVICES INC. – PETER C. GRAHAM, ESQ. OPINION LETTER

Deputy Supervisor Kyle Barnett explained there is no application that has been filed with the Town at this time for the property located at 141 Prospect Street, Port Ewen. Law office of Freeman & Howard wrote a letter on May 26th asking for an interpretation of the code related to the construction of a two story wood framed community residence facility designed with 16 beds for use as a chemical dependence residential service facility.

Deputy Supervisor Barnett explained the procedure that would need to happen so everyone understood how the process worked. At this point the Town Board has no jurisdiction over the prospective application. Even if there is an application made the first order of business has to be an interpretation of the town and zoning codes by the Building Inspector. After the Building Inspector makes a determination of whether or not it is a permit use under zoning and whether or not they need a site plan. The applicant can appeal the determination to the Zoning Board of Appeals. They also have to go to the Planning Board. Although all the members of the Town Board may have an opinion about it, the Town Board does not have the authority over the Building Inspector, the Zoning Board of Appeals or the Planning Board to tell them what to do. They are autonomous bodies and administrative agencies and are responsible for making certain decisions as this process moves through the typical type of procedures.

Deputy Supervisor Kyle Barnett read a letter from Peter Graham, Council for the TOE Planning Board which offered his opinion on the Freeman & Howard letter from May 26th. Attorney Graham's letter has been made a part of these minutes and can be found as *Addendum A*.

PUBLIC COMMENT ON AGENDA ITEMS – EACH SPEAKER WILL PRINT THEIR NAME IN ADVANCE AND BE LIMITED TO 3 MINUTES

Deputy Supervisor Barnett established the rules of the public comment. Everyone wishing to speak needed to print their name on a list and they were limited to 3 minutes each to give everyone an opportunity to speak. He stressed this was not a Public Hearing. The Town Board was not here to make a determination as to whether or not this project will be permitted or not permitted; in the proper forum or not the proper forum. This was an opportunity for folks to share their thoughts and concerns or support for this particular project. It is not a Public Hearing so it cannot be a Q & A. Everyone was asked not to repeat the same point if it was already discussed, but could make the statement that they agreed with the prior statement.

Carl Belfiglio, County Legislator and Town Resident said it is families who have built this community. There are three types of housing; safe houses which have no supervision, half houses provide supervision only during the day and sober houses that have 24 hour supervision. The Town has a job to protect its residents from this type of facility. He feels one of the reasons why RSS selected Port Ewen was because of its size and limited resources. Legislator Belfiglio said what the Town does have is unlimited resources in its residents and people. He agreed with Deputy Supervisor Barnett that it was the first time he has ever seen this many people at a Town Board Meeting. Sean McCabe relinquished his 3 minutes to allow

Carl Belfiglio to continue his thoughts. Carl said it was important for everyone in attendance to give the Planning and Zoning Boards their support to persuade this company not to place this facility here in a residential area. Carl feels this is a for profit facility. He stresses the importance of the community showing their support and attending Public Hearings if and when they are scheduled. To have this sober house will change the landscape of the Town. Legislator Belfiglio asked the audience to lend their support any way they can to keep their community safe.

Johanna Jankowski has lived and raised her family here in the Town for 50 years. She asked if this was a for profit agency. Deputy Supervisor reminded her that this was not a Q & A session. Mrs. Jankowski is concerned with the property values and the effect on the children who are comfortable riding their bikes in the neighborhood. She would like to know the age range of the individuals, if they have any criminal background or sexual offenses. The neighbors need to know who these people are and what type of substance abuse the residents of the facility have. Will there be drug dealers hanging around the neighborhood? Can these individuals come and go as they please? Will they rob their neighbors to get money for drugs? It will really have an effect on the way that we live. She said these are all questions that need to be asked. Mrs. Jankowski said she was happy to see so many people come out for the meeting but stressed the importance of it not being enough to just show up one night. People have to keep showing up and fighting to keep the neighborhood safe.

Deputy Supervisor Kyle Barnett said I'm sure many of the residents in attendance probably have questions and said if RRS begins the process there will be Public Hearings which are open everyone and will allow questions to be asked. At that point in time he trusts that all interested parties will attend those hearings to ask these important questions.

Bill Haber Town resident for 27 years and resides on Hasbrouck Lane said he was a Senior Financial Analyst. If this project turns out to be a not for profit project the property will decrease revenues and increase expenses to the town residents. Mr. Haber said over the 27 years he calculates his General Taxes have gone up 80% and feels there has been no service benefits; property values will go down if this project goes through. He hopes the Town Board does not feel this is a done deal and will do what it can to prevent this facility from coming in.

Rebecca Dunne Town resident of Sunset Drive was born and raised in Port Ewen. She does not feel this will provide a safe environment for her daughter or for those who are struggling with addiction. The chemically dependent residents of the facility will have access to alcohol and drugs. Rebecca feels there is a need for facilities to help those in need but this is not the appropriate area.

Toni Fitzgibbons resident of Gurney Street agreed with all points that were already made.

Nicole Petit lives next door to the property and has two small children. The proposed property at 141 Prospect Street is an inappropriate location for the facility to be built. The neighborhood is made up of children and seniors and feels the area would be compromised. Nicole's research

shows the relapse rate is as high as 90 % . Even treatment facilities identify relapse as a persistent challenge with fighting a drug addiction. Criminal activity is directly correlated with substance abuse. Nicole shared many statistics and facts from the research she had done. She proposes an alternate location where individuals can receive support and affect the well being of the neighbors.

Laura Petit resident of 145 Prospect Street said she is frustrated with the lack of information available on the proposed construction. If it had not been for the local paper running an article she said she would have not known about it. Laura also shared information she had obtained through research. The neighborhood is currently comprised of 2, 3 and 4 bedroom owner occupied homes with families. There are no sidewalks, wooded area and has limited lighting. She feels there are many more appropriate locations that would minimize the risk to young children and provide adequate emergency services for the facility and patients. It will not devalue properties and remove another parcel off our tax rolls creating an additional financial burden on the community.

She also spoke on behalf of a neighbor who has intimate knowledge of chemical dependency. This neighbor had lost a daughter in 2004 and son in law in 2011 to these demons. They could not fight off their addictions. The neighbor understands we need these facilities but this is not the right location.

Cindi Haber Hasbrouck Lane resident said she called Assemblyman Kevin Cahill's office and was told they had spoke to the Board Members in Esopus and was told the project was a done deal. All board members replied they had not received a call from the Assemblyman's office. Mrs. Haber said she would call them back in the morning.

Gregory Dole lifelong resident of The Town of Esopus and worked for 41 years at Dyno Nobel. This community is about family. Mr. Dole has an elderly mother on Bayard St., a Daughter, son in-law and grandchildren on Horton Lane and he currently live in Ulster Park. He said the previous comments were good and encouraged the residents to keep coming to meetings. Mr. Dole was also concerned with property values and keeping the community family oriented and safe. If a facility like this has to come to our town, he said there are better locations rather than this highly residential area with children.

Skylar Felipe, 12 year old daughter of Rebecca Dunn. She said she has friends who live in the Prospect Street area and she would not feel safe going to her friend's house with this facility nearby. Skylar said she does want to be pressured to do drugs or drink underage.

Roger Brandt resides on Prospect Street and explains the street is narrow. There is a 40 foot driveway, telephone pole and a fire hydrant and wonders how or if a rescue vehicle would be able to reach the facility in the case of an emergency. Mr. Brandt does not want to see the taxpayers' money be used towards upgrading the infrastructure just to accommodate one building.

Roscoe Pecora agreed with just about everyone's comments. Rehabilitation is a good thing but this residential location is not. We need to continue to stay on top of this. He feels the company has handled this very poorly just the way it has been presented in the paper. He will support his neighbors and by working together he feels they will prevail. Roscoe owns a jewelry business, lives in that district, has been robbed and does not need this facility in such close proximity.

Jeff Scull resides on Horton Lane feels the same as everyone. Mr. Scull read a line from a report by La Roche, Waller & Wentland and the affect of substance abuse treatment centers on property values. Mr. Scull was concerned with the report which said there was an 8 % drop of property values within an eighth of a mile of the facility.

Lisa Colon resides on Prospect Street and has lived in the town for 5 years with her 3 children. She relocated from New York City and is worried about her children who walk the dog and wait for the school bus. Lisa said she is for rehab but this is not the proper location.

Mike Dauner is a resident of Hasbrouck Ave. He is 4th generation living in the town and has strong ties to the community. Mike also feels this area is not the proper location for this facility.

Sean McCabe is a resident of Hasbrouck Lane. Everyone who came to the meeting tonight was here for a common cause. Sean said he is looking for the councilpersons to support the group as a whole to make sure this does not happen in our community. He said this is not a witch hunt and there is a need for rehab but the location of the facility is not safe for this residential area. Sean asked the elected officials to do their best to protect us.

Cheryl Matthews of 136 Prospect Street submitted a letter from her elderly neighbor of 134 Prospect Street who was unable to attend the meeting. The letter is part of the minutes - Addendum B.

Deputy Supervisor Kyle Barnett asked if anyone else had something to submit in writing to come forward or can be handed in at any time. He commended everyone for being respectful and allowing everyone an opportunity to share their thoughts. Deputy Supervisor Barnett said this was an important topic for him and for all of the Board Members. He gave all Board Members a chance to comment.

Councilperson Diane McCord said she was elected by the people and for 35 years she has worked for the town. Personally she does not want to see this project happen and will do her best to prevent it from happening. However, if we do not have the resident's support things get rolled over. She further explained sometimes if the state wants something often the Town Board does not have a say. However, the residents have a say. She thanked everyone and encouraged everyone to stay involved.

Peter Graham said if this was a state facility they would be claiming they are exempt from all our laws which lead him to believe it is a private facility.

Deputy Supervisor Kyle Barnett said it was his understanding that it was a private facility and generates most of its income through Medicaid recipients.

Councilperson Gloria VanVliet said she was happy to see so many people in attendance and supporting the Board by letting them know how they feel about the facility. She explained the first time the Board heard anything about this was at the June 1st workshop where they received a copy of the May 26th letter. The freeman reporter was in attendance and requested a copy of the letter and wrote an article. Her feelings are it cannot happen here and this is not the location for this facility. Rehabilitation centers are a necessity but not at this location. There are already two facilities in Esopus in the Floyd Ackert Rd area. Transformation Life Center has a facility for men and women. Councilperson Van Vliet thanked everyone for coming.

Councilperson Wayne Freer also thanked everyone for coming and showing we are all on the same page. Councilperson Freer said they have not been given information and to his knowledge attempts have been made to have the Facility or Council for the Facility attend a meeting to answer questions but no response has been received. Councilperson Freer said he would also be calling Assemblyman Cahill's office in the morning. Wayne is from the West park area and reiterated the fact we already have 2 facilities in that area. The audience asked since when and how did that happen. Councilperson Freer replied 10-12 years ago and there was no public support.

People asked how they find out what is going on. Deputy Supervisor Kyle Barnett suggested people go to the town website and read the minutes and attend meetings. Until there is an application, there would be no public hearing. That is why he feels it is strange that people think it's a done deal. "Not only is it not a done deal, it is not even a deal to be done by". The audience was instructed how to obtain the dates and content of the meetings by going to the esopus.com website. RRS has not filed an application. Proper procedures need to be followed in order for them to gain approval to move forward.

Deputy Supervisor Kyle Barnett said he agrees with his fellow Board Members and is also against this facility. He thinks it's appropriate that people get the help they need but not on Prospect Street and in this residential area.

Roxanne Pecora Chairman of the Planning Board clarified the process for the Planning and Zoning Board. Each Board has a cut off deadline date for an application and by the end of that day they have their agenda for the monthly meeting. Town Clerk Holly Netter explained how to obtain the agenda by choosing the calendar on the left hand side of the screen and click on the meeting which will provide the agenda.

There were several individuals who requested a copy of the letter from Freeman & Howard dated May 26 and Peter Graham's Letter which was read at the meeting. Town Clerk Holly Netter will see they receive the documentation requested.

A 5 minute recess was called to allow the audience to exit if desired. The meeting resumed.

BUDGET ADJUSTMENTS

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 budget adjustments and the adjustments have been examined and approved by the Town Board.

Therefore, Be It Resolved, that the following budget adjustments be approved for payment:

BUDGET ADJUSTMENT FOR JUNE 2015

AO-0599.000 Fund Balance	AO.1620.434	\$25.16
	OTIS elevator – Annual Bill	
	AO.5132.401	
	HWY Garage Cont.	\$ 73,836.93
	American Petroleum	
	AO.1680.400	\$353.54
	Central Data Processing	
	Harris Annual Bill	

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

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

ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

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

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	151257 - 151310	\$ 133,238.33
Highway Fund	152150 - 152179	\$ 108,961.83
Street Lights	156006	\$ 5,674.59
Port Ewen Sewer Fund	153061 - 153070	\$ 3,196.59
Port Ewen Water Fund	154150 & 154051 void 154052-154177	\$ 77,566.04
Total.....		\$328,637.38

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Gloria Van Vliet
SECONDED BY: Councilperson Wayne Freer

ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

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

APPROVAL OF MINUTES

A MOTION TO APPROVE THE MINUTES OF PREVIOUS MEETINGS WAS MADE BY COUNCILPERSON DIANE MCCORD AND SECONDED COUNCILPERSON GLORIA VAN VLIET. ALL TOWN BOARD MEMBERS IN ATTENDANCE VOTED IN FAVOR. MOTION CARRIED.

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

ADJOURNMENT

A MOTION TO ADJOURN AT 9:08 PM WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

Respectively Submitted,

**Holly A. Netter
Town Clerk**