

**TOWN BOARD MEETING
AUGUST 15, 2013**

A regularly scheduled Town Board Meeting was held on Thursday, August 15, 2013 in the Town Hall 284 Broadway Port Ewen, New York with the following persons in attendance:

**Supervisor John Coutant
Councilperson Gloria VanVliet
Councilperson Wayne Freer
Councilperson Donna McAuley
Councilperson Kyle Barnett**

Administrative Recorder: Diane L. McCord, Town Clerk

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

Pledge to the Flag

Public Hearing: - 7:30PM Esopus Code 96 – Excessive Growth of Grass

Councilperson Kyle Barnett: A certain procedure has to be filed according to Esopus Code 96. If a particular piece of property is not in compliance, the town has a right to correct the situation. Whoever owns the property is responsible for the cost of the town clearing the grass. In this case, the unoccupied property we were planning on addressing is the mortgage company not the people who previously owned the property. This Public Notice will have to be postponed until next month when both the previous owners and the mortgage company can be notified.

Councilperson Kyle Barnett made a MOTION to allow the Building Department to notify the property owner and the Mortgage Company of the excessive growth of grass on the properties at 208 Doris Street and 189 Hasbrouck Avenue in Port Ewen, N. Y. Councilperson Wayne Freer seconded the Motion. All Town Board Members voted in favor.

Public Comment: None

1. Resolution – Solar Project Grant – Randolph Horner

Supervisor Coutant said we need to consider and pass the following resolution so we can secure additional grants for our solar project as per Randolph Horner:

**ESOPUS TOWN BOARD RESOLUTION
IN SUPPORT OF COMBINED MUNICIPAL SOLAR FACILITIES GRANTS**

Whereas, the Town of Esopus has been involved with developing Municipal Solar Facilities since the earliest planning discussion in late 2008, and

Whereas, in 2009, the Town held a state-wide competitive Solicitation for a 78 Kilowatt Solar Array, to be installed adjacent to the recently completed Town Hall, and

Whereas, the selected Vendor began the installation in the fall of 2009, with final completion in February, 2010, after which the PV System was given the New York Solar Industries Association (NYSEIA) 2010 Award for Ground-Mounts, and

Whereas, our Town Library then received a grant through the American Recovery and Reinvestment Act (ARRA), and

Whereas, the state-wide competitive Solicitation resulted in the lowest cost-per-installed-watt for any Municipality at that point in time, and

Whereas, that installation was visited by the US Dept. of Energy and cited for its design and cost-effective use of ARRA funds, and

Whereas, to scale up to the production of the Town's entire annual requirement of electricity for all Municipal uses, the Town Board in April 2012 authorized a Solicitation for a Solar Generating Facility located at the closed, capped landfill, and

Whereas, during the succeeding planning process, Central Hudson Gas & Electric Company conducted a Coordinated Electric Service Interconnection Report (CESIR), and

Whereas, the cost of utility-side interconnection costs to the Town was determined to be approximately \$189,000 (One-hundred eighty-nine thousand dollars), and

Whereas, the impact of those interconnection costs on the ultimate price points in a Power Purchase Agreement has been a disincentive to proceeding with the proposed PV-on Landfill Project, and

Whereas, neighboring Ulster County Municipalities Town of New Paltz and Village of New Paltz also have planned a precedent-setting joint Project located at the closed, capped Town landfill property, and

Whereas, a similar situation regarding utility-side electric service up-grade costs has held up the New Paltz Project, and

Whereas, the Municipalities now have the opportunity to present a combined Proposal, requesting Priority Project status from the MHREDC, and

Whereas, each Municipality's Consolidated Funding Application (CFA) will be for its own infrastructure investment grant, but considering them together as a group will make it possible for the MHREDC to demonstrate to the other 9 Regional Economic development Councils a replicable example of Regional Multiple-Municipality collaboration, and

Whereas, it is necessary that each Municipality's CFA be submitted by July 30,

Now, Therefore Be it Resolved, that the **Esopus Town Board hereby authorizes the Supervisor to sign a CFA prepared by our Solar Project Manager, with copies provided to the Town Board before submittal on July 30.**

Resolution Offered by Councilperson Wayne Freer

Resolution Seconded by Councilperson Donna McAuley

Supervisor John Coutant	Aye
Councilperson Gloria VanVliet	Aye
Councilperson Wayne Freer	Aye
Councilperson Donna McAuley	Aye
Councilperson Kyle Barnett	Aye

Resolution duly adopted.

Supervisor Coutant mentioned Randolph Horner has done a superb job on our solar. We have an opportunity with Central Hudson to put the Solar Energy Project at our Transfer Station and we are locked into this. Supervisor Coutant had a good feeling for what is ahead for us. When the Town Board approves this the town will lock in the costs of our rates for the next twenty years. Budgets are always going up and this will stabilize our energy costs for street lighting and water treatment. It is one of the smartest things we can do for future generations.

2. Resolution - Scenic Hudson

Scenic Hudson has asked the Town Board to support a resolution for them to obtain a grant in the amount of \$345,000 to improve the access to their property. A representative of Scenic Hudson Margery D. Groten appeared at the Town Board Workshop Meeting and stated this grant will only be half the amount they need because it does not include the blacktopping of the road. Also mentioned, they will work to stabilize the area. Councilperson Wayne Freer said the first part would be to have the property viewed by their engineers.

**Resolution in Support of Grant Application
August 15, 2013**

Whereas, The Scenic Hudson Land Trust, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project or Recreational Trails Program for a trail project to be located at the Esopus Lakes property on River Road, a site located within the territorial jurisdiction of this Board; and

Whereas, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

Now, Therefore, Be It Resolved, by this August body that the Esopus Town Board, hereby does approve and endorse the application of The Scenic Hudson Land Trust, Inc. for a grant under the Environmental Protection Fund for a park project or Recreational Trails Program for a trail project known as Esopus Lakes Preserve Public Access and located within this community.

Dated: August 15,, 2013

**Offered by: Councilperson Donna McAuley
Seconded by: Councilperson Gloria VanVliet**

Supervisor John Coutant Aye
Councilperson Gloria VanVliet Aye
Councilperson Wayne Freer Aye
Councilperson Donna McAuley Aye
Councilperson Kyle Barnett Aye

Resolution duly adopted as Certified by Town Clerk Diane L. McCord

3. Don Kiernan's Agreement

Following Water & Sewer Superintendent's retirement from the New York State Retirement System the Town Board contracted with Donald F. Kiernan to remain the Superintendent. This is a renewal of our same agreement without any changes:

**AGREEMENT
BETWEEN DONALD F. KIERNAN
AND THE TOWN OF ESOPUS TOWN BOARD**

The Town of Esopus town Board passed a resolution, dated June 18, 2009, regarding the change of the Port Ewen Water/Sewer Superintendent from a full time position to a part time position, not to exceed 20 hours per week, and the Town of Esopus Town Board has agreed per said resolution to grant Donald F. Kiernan "Civil Service Status" and all rights pursuant to Section 75 of the Civil Service Law.

Therefore, the Town of Esopus Town Board and Donald F. Kiernan agree to the following:

Donald F. Kiernan will continue to hold the position of (Port Ewen Water/Sewer Superintendent) at a salary equal to \$30,000.00, which equals \$28.84 per hour.

The Town Board shall consider raising Donald F. Kiernan's salary as New York State increases the amount that retirees may earn per changes to the New York State Retirement System.

Donald F. Kiernan is entitled to all rights and benefits of a Town of Esopus retiree, with over 20 years of service.

Donald F. Kiernan agrees that as a part time employee, he does not receive vacation or sick time benefits. Vacation shall be taken by working excess hours in advance.

As Superintendent, Donald F. Kiernan shall be responsible for typical work activities listed below. He may perform some or all of the following, as well as other related activities not described.

Overall supervision of all areas of the Port Ewen Water/Sewer District and it's employees.

All paperwork necessary to comply with New York State Department of Health, Environmental Protection Agency and Department of Conservation guidelines as well as any other Regulatory Agency.

Water treatment plant compliance, reports, samples and ongoing and future compliance programs.

Coordinating and working with consultants, government agencies, and legal aspects of the Districts, as well as Treatment Plant stabilization project and repair, inflow and infiltration study.

Consulting on future developments regarding the installation of water and sewer utilities.

Developing budgets and supervising expenditure/revenues.

Oversight of Water/Sewer utility bill system.

Employee scheduling and Water Plant operations.

Emergency situations within the water distribution and sewer collection systems shall be handled by the (water/sewer foreman) and any emergencies that are not normal, the (foreman) will consult with Donald F. Kiernan for approval and recommendations.

This agreement shall be for a 2 year period and is subject to renewal at the approval of both the Town and Donald F. Kiernan.

This agreement shall start September 15, 2013 and end Sept. 24, 2015. Either party can terminate this agreement with no less than a 60 day written notice.

Town of Esopus

By: John Coutant, Supervisor

Donald F. Kiernan

A Motion to authorize the Town Supervisor John Coutant to sign the Agreement between Donald F. Kiernan and the Town of Esopus Town Board was made by Councilperson Kyle Barnett and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.

4. Resolution – Assessor Appointment

Supervisor Coutant said Dan Terpening, our Assessor, will be retiring Sept. 30th 2013. In 1980 the Supervisor was a councilperson when we hired Dan Terpening. Dan Terpening has trained his Deputy Assessor and the Town Board has interviewed candidates. Dan has done an elegant job of schooling the deputy. He wanted to add she is a dedicated and experienced employee for the past thirteen years and she is very qualified.

**RESOLUTION TO APPOINT
JOSEFINE ANNA MIGNONE AS
TOWN ASSESSOR**

Be it Resolved, by the Town Board of the Town of Esopus, in the County of Ulster, State of New York, as follows,

Whereas, the sole Assessor for the Town of Esopus will be retiring effective September 30, 2013 and interviews have been conducted,

Therefore, Be it Resolved, that the Town Board of the Town of Esopus has decided to appoint Josephine Anna Mignone as the Town of Esopus Sole Assessor full time for a six year period of time from October 1, 2013 to September 30, 2019 with a starting salary of \$40,000 annually.

**Resolution offered by Councilperson Wayne Freer
Seconded by Councilperson Gloria VanVliet**

Supervisor John Coutant	Aye
Councilperson Gloria VanVliet	Aye
Councilperson Wayne Freer	Aye
Councilperson Donna McAuley	Aye
Councilperson Kyle Barnett	Aye

Resolution duly adopted.

Comments:

Councilperson Wayne Freer believes over the last four or five years JoAnna has worked diligently and she is pre-approved by New York State for the position and he offered her nomination. Councilperson Gloria VanVliet said JoAnna Mignone is a dedicated employee and she has been taking courses and with all of this experience we feel that she is very qualified to be the Town Assessor. Councilperson VanVliet was pleased to second the nomination. Councilperson Donna McAuley would also like to second the second nomination. Councilperson Kyle Barnett said we did have other people apply for the position but it was clear, after reviewing the qualifications, of what JoAnna Mignone has to offer the town.

5. Vandalism – Ross Park

At Ross Park, over this past weekend, someone found out they could totally take down a steel door and frame along with part of the concrete block said Supervisor Coutant. We are talking with all the neighbors to see if we can find those people that have done this. It is important for all of us to be aware of what is happening in our town. At one point in time tables were missing from Ross Park and were found in the woods behind the Town Hall. We also had a 450 lb. anchor taken from the George Freer Memorial Beach property. What is the answer to stop this type of thing from taking place. We now keep the anchor in the water.

6. Tekcon – Air Conditioning/Heating Maintenance Agreement

Authorization is needed for the Supervisor to sign a Maintenance Agreement with Dutchess Tekcon Industries, Inc.

A Motion was made by Councilperson Wayne Freer and seconded by Councilperson Donna McAuley to authorize the Supervisor to sign the Maintenance Agreement with Dutchess Tekcon Industries, Inc. All Town Board Members voted in favor. Motion Carried.

7. Peak Power – Biannual System Checkup Renewal

We received a renewal agreement with Peak Power for our generator. We received a request from Peak Power stating the generator has been in use for five years and two AD batteries would need to be replaced at our next checkup. The proposal to replace the batteries was well over \$1,000. Our Highway Dept. saved the town over \$600 by changing the batteries.

The cost for the renewal contract is \$1,119.25 from October 1, 2013 to Sept. 30, 2014. They do a good job.

A Motion to authorize the Supervisor to sign the renewal contract was made by Councilperson Kyle Barnett and seconded by Councilperson Gloria VanVliet. All Town Board Members voted in favor. Motion Carried.

8. Rabies and Distemper Clinic – October 5th – 10 AM to 1 PM

The Town of Esopus will sponsor a Rabies & Distemper Clinic at the Town Hall on Saturday, October 5th from 10 AM to 1 PM for both dogs and cats. The cost of the rabies vaccine is \$10 and Distemper is \$15. No appointment is necessary. Please keep dogs on leads and cats in crates. Bring recent vaccine records.

9. Budget Adjustments

RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS

August 15, 2013

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 August 2013

		CHIPS Improvements		
AO 0599.000	Fund Balance	AO 3510.4	DA.5112.400	\$ 17,276.21

Resolution offered by Councilperson Gloria VanVliet
Resolution seconded by Councilperson Donna McAuley

Supervisor John Coutant	Aye
Councilperson Gloria VanVliet	Aye
Councilperson Wayne Freer	Aye
Councilperson Donna McAuley	Aye
Councilperson Kyle Barnett	Aye

Resolution duly adopted

The Supervisor had a concern about the CHIPS Improvements and it appeared to him the program was overspent. Councilperson Wayne Freer said the other possibility was repairs were charged to the CHIPS Account and should have been charged to another account.

10. Payment of Vouchers

PAYMENT OF VOUCHERS
August 15, 2013

Be it Resolved, by the Town Board of the Town of Esopus, County of Ulster, State of New York as follows:

Whereas, the Town of Esopus has been presented with vouchers for payment and those vouchers have been examined and approved by the Town Board,

Therefore, Be it Resolved, that the following vouchers be approved for payment:

General Fund	131365 - 131414	\$30,472.47
Highway Dept.	132158 - 132184	\$61,340.18
Port Ewen Sewer	133097 - 133113	\$109,898.98
Port Ewen Water	134190 - 134215	\$ 8,881.89
Street Lighting	136008	\$ 6,014.76
Total.....		\$216,608.28

**Resolution offered by Supervisor John Coutant
Resolution seconded by Councilperson Donna McAuley**

Supervisor John Coutant	Aye
Councilperson Gloria VanVliet	Aye
Councilperson Wayne Freer	Aye
Councilperson Donna McAuley	Aye
Councilperson Kyle Barnett	Aye

Resolution duly adopted.

11. Approval of Minutes

A Motion to approve the previous months minutes was offered by Supervisor John Coutant and seconded by Councilperson Kyle Barnett. All Town Board Members voted in favor. Motion Carried.

12. Communications and Reports of Officials and Boards

Communications for the month of August are on file in the Town Clerks' Office.

The following reports of Officials and Boards are available in the Town Clerks' Office:

Supervisor's Monthly Report dated August 2013

Town Clerks' Monthly Report dated July 2013

Town Board Workshop Meeting Minutes dated July 1, 2013 and July 16, 2013

Town Board Meeting Minutes dated July 18, 2013

Building Dept. Report dated July 2013

Planning Board Minutes June 18, 2013

Port Ewen Water & Sewer Agenda dated Aug. 13, 2013

Town Board Minutes dated Aug. 5, 2013

A Motion to adjourn at 8:05 PM was made by Councilperson Donna McAuley and seconded by Councilperson Kyle Barnett. All Town Board Members voted in favor. Motion Carried.

Respectfully submitted,

**Diane L. McCord
Town Clerk, CMC, RMC**