

TOWN BOARD MEETING
August 20, 2015

A regularly scheduled Town Board Meeting was held on Thursday August 20, 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following persons in attendance:

Supervisor Kyle Barnett
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Diane McCord

Administrative Recorder: Holly A. Netter, Town Clerk

ALSO PRESENT:

Supervisor Kyle Barnett called the meeting to order at 7:30 PM.

PLEDGE TO THE FLAG

CONGRESSMAN CHRIS GIBSON – PROCLAMATION IN HONOR OF JOHN K. COUTANT

Supervisor Kyle Barnett announced we were privileged to have Congressman Gibson present to pay tribute to the late Supervisor John K. Coutant. Supervisor Barnett shared his thoughts of Supervisor Coutant who was a great friend and terrific to work with. Barnett admired John's passion for the people in the Town that he loved so very much and his willingness to work with whomever he possibly could to advance the interest of this town. Supervisor Coutant was always trying to help someone anyway he could. He was a good businessman, a proud family man, he loved his hobbies but loved this Town as much as anything else. Supervisor Coutant was one of a kind and deeply missed by everyone. Supervisor Barnett said it was his privilege to work with him.

Congressman Chris Gibson paid tribute to Supervisor Coutant speaking of John the family man, businessman, community leader, public servant and friend. Congressman Gibson addressed John's son Todd, his wife Jennifer, and their children reflecting on the many accomplishments John had achieved in his life. Congressman said Supervisor Coutant had the ability to bring people together for a common good. Supervisor Coutant was a "trailer blazer" bringing solar energy

to the Esopus Town Hall and expanding the solar initiatives to the current Transfer Station Project. John leaves behind a legacy of being a head of his time in pursuing alternative energy at the municipal level.

Congressman Gibson previously read a proclamation honoring John K. Coutant from the floor in Washington which can be viewed at <http://www.c-span.org/video/?c4546302/rep-chris-gibson-honors-esopus-supervisor-john-coutant>. As long as there is a United States of America there will be a congressional record and a testimonial to John's life as a great man and wonderful leader. A presentation of the proclamation was made to Todd Coutant and his family.

Todd Coutant thanked everyone for coming and Congressman Gibson for raising such an honor for his father. Todd said his Dad never did anything for the glory, he did it because he loved to help people. It was never a job, it was fun for his Father who often told Todd, "If you like what you do every day, you'll never work a day in your life". Todd thanked everyone for being there for him and his family through this difficult time.

Carl Belfiglio, County Legislator, told the audience a proclamation was made on the floor of the Ulster County Legislature to pay tribute to Supervisor Coutant. The County Legislative meeting on July 21, 2015 was also adjourned in the memory of the late John K Coutant, honoring his service from 2005-2015.

Supervisor Barnett thanked Congressman Gibson and Legislator Carl Belfiglio for coming out to the Town to honor Supervisor Coutant.

A MOTION WAS MADE TO TAKE A SHORT RECESS AT 7:44PM BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON GLORIA VAN VLIET.

A MOTION WAS MADE TO RECONVENE AT 7:55 PM BY COUNCILPERSON MCCORD AND WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET.

PUBLIC COMMENT

Nicole Petit, town resident said her position stated at prior Town Board Meetings opposing the building of the alcohol and drug rehabilitation facility at 141 Prospect Street still stands.

Scenic Hudson Rezoning and Petition

Representatives from Scenic Hudson have filed a petition for rezoning as well as a site plan review and a special use permit. The rezoning portion comes before the Town Board. Since the site plan and special use permits have already been submitted to the Planning Board for review, the Town Board will likely defer to the Planning Board to be lead agency.

Audrey Friedrichsen, attorney for Scenic Hudson, explained they were seeking the rezoning in order for the property to be use as a public preserve. The Public will have access to the property and trails.

Councilperson Wayne Freer said the property was a workable PUD many, many years ago and he feels it is now time to move forward. Supervisor Barnett said the rezoning is academic because the property will no longer be legally enforceable as a PUD.

A MOTION TO ADOPT THE RESOLUTION OF INTRODUCTION WAS MADE BY COUNCILPERSON DIANE MCCORD AND SECONDED BY COUNCILPERSON FREER. ALL MEMBERS WERE IN FAVOR. SUPERVISOR BARNETT READ THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, on 20, 2015, August introduced the following proposed local law for the Town of Esopus, entitled “Town of Esopus Local Law No.2 of the Year 2015: TOWN OF ESOPUS LOCAL LAW NO. 2 OF THE YEAR 2015.

A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING THE ZONING MAP OF CHAPTER 123, “ZONING,” OF THE CODE OF THE TOWN OF ESOPUS TO CHANGE THE DISTRICT DESIGNATION OF CERTAIN PROPERTY ON RIVER ROAD FROM PUD TO R-40 RESIDENTIAL.

BE IT ENACTED by the Town Board of the Town of Esopus as follows:

Section 1: The Zoning Map of the Town of Esopus, Ulster, New York, is hereby amended to provide that certain lands in said Town hereinafter, more particularly those lands comprising Esopus tax parcel numbers 64.1-1-11.1, 64.1-2-1.110, 64.1-1-8.100, 64.1-1-12, 64.1-1-13, 64.1-2-13.2, 64.1-2-7 and 64.1-1-14 is changed

from the Planned Unit Development (PUD) district designation to the R-40 Residential zoning district designation.

Section 2: This local law will take effect upon the filing with the Secretary of State as prescribed by law.

and;

WHEREAS, pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing upon this local law.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 284 Broadway, Ulster Park, New York on Thursday, September 17, 2015, at 7:30 p.m., prevailing time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 284 Broadway, Ulster Park, New York on Thursday, September 17, 2015, at 7:15 o'clock p.m. prevailing time, on a proposed Local Law No. 2 of the year 2015, amending the Zoning Map of Chapter 123, "Zoning" of the Code of the Town of Esopus to re-zone lands at River Road, comprising Esopus tax parcels 64.1-1-11.1, 64.1-2-1.110, 64.1-1-8.100, 64.1-1-12, 64.1-1-13, 64.1-2-13.2, 64.1-2-7, and 64.1-1-14 from the Planned Unit Development (PUD) zoning district to the R-40 Residential zoning district designation.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 284 Broadway, Ulster Park, New York, between the hours of 9:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

A MOTION WAS MADE TO REFER THE APPLICATION TO THE ULSTER COUNTY PLANNING BOARD AND ESOPUS PLANNING BOARD BY COUNCILPERSON FREER AND SECONDED BY COUNCILPERSON VAN VLIET. ALL MEMBERS WERE IN FAVOR.

A MOTION WAS MADE TO NAME PLANNING BOARD AS LEAD AGENCY BY COUNCILPERSON FREER AND SECONDED BY COUNCILPERSON VAN VLIET. ALL MEMBERS WERE IN FAVOR.

A question was asked whether the Planning Board could be the Lead Agency in this case. Supervisor Barnett explained site plans and special use permits had already been applied for by Scenic Hudson at the Planning Board level, therefore the Planning Board would be able to act as Lead Agency.

**TOWN OF ESOPUS RESOLUTION AUTHORIZING
PAUL T. KELLAR, ESQ. TO REPRESENT THE TOWN
IN TAX CERTIORARI
MORGAN LAKESHORE VILLA LLC V. TOWN OF ESOPUS
INDEX #15-2178**

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 of Esopus received a Notice of Petition for Morgan Lakeshore Villa LLC v. Town of Esopus,

THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board authorizes Paul T. Kellar, Esq. to represent the Town in this matter at an hourly rate of \$225.00.

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

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Diane McCord	AYE
Supervisor Kyle Barnett	AYE

TOWN OF ESOPUS RESOLUTION AUTHORIZING

**PAUL T. KELLAR, ESQ. TO REPRESENT THE TOWN
IN TAX CERTIORARI
PETER E. ROONEY AND ANDRE R. ROONEY V. TOWN OF ESOPUS
INDEX #15-2341**

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 of Esopus received a Notice of Petition for Peter E. Rooney and Andre R. Rooney v. Town of Esopus,

THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board authorizes Paul T. Kellar, Esq. to represent the Town in this matter at an hourly rate of \$225.00.

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

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Diane McCord	AYE
Supervisor Kyle Barnett	AYE

**TOWN OF ESOPUS RESOLUTION AUTHORIZING
PAUL T. KELLAR, ESQ. TO REPRESENT THE TOWN
IN TAX CERTIORARI
EMMA SPINNENWEBER V. TOWN OF ESOPUS
INDEX #15-2351**

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 of Esopus received a Notice of Petition for Emma Spinnenweber v. Town of Esopus,

THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board authorizes Paul T. Kellar, Esq. to represent the Town in this matter at an hourly rate of \$225.00.

Resolution offered by: Supervisor Kyle Barnett
Resolution seconded by: Councilperson Diane McCord

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Diane McCord	AYE
Supervisor Kyle Barnett	AYE

**TOWN OF ESOPUS RESOLUTION AUTHORIZING
PAUL T. KELLAR, ESQ. TO REPRESENT THE TOWN
IN TAX CERTIORARI
SPINNENWEBER CONSTRUCTION CO., INC. V. TOWN OF ESOPUS
INDEX #15-2350**

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 of Esopus received a Notice of Petition for Spinnenweber Construction Co. Inc. v. Town of Esopus,

THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board authorizes Paul T. Kellar, Esq. to represent the Town in this matter at an hourly rate of \$225.00.

Resolution offered by:	Councilperson Gloria Van Vliet
Resolution seconded by:	Councilperson Diane McCord

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Diane McCord	AYE
Supervisor Kyle Barnett	AYE

HIDDEN HARBOR YACHT CLUB

Supervisor Barnett read into the minutes a section of the correspondence received from Eric “Luke” Keyser, Vice Commodore, Hidden Harbor Yacht Club. On behalf of Hidden Harbor Yacht Club I would like to thank you and the Town of Esopus for allowing us to use the property on Tilden Street for the purpose of placing our dredging spoils. As requested, the insured shall defend, indemnify and hold the Town of Esopus, its employees, agents and assigns from any injury or loss resulting from the insured’s use and possession of the Town’s property. A certificate of liability insurance listing the Town of Esopus as additional insured in the amount

of one million dollars was also received. This was an arrangement made between Supervisor Coutant and Mr. Keyser and Supervisor Barnett asked for the documentation to formalize the agreement. Supervisor Barnett asked if anyone had any questions, comments or concerns. There were none.

BUDGET UPDATE

Supervisor Kyle Barnett has met with the bookkeeper and accountant and they are working on putting together a proposed budget. He is looking forward to having the Submission of Estimate available prior to the September 20th deadline.

A MOTION WAS MADE TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A TOWN OF ESOPUS PERSONNEL MATTER BY COUNCILPERSON DIANE MCCORD AND SECONDED BY COUNCILPERSON WAYNE FREER AT 8:15PM.

A MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION BY COUNCILPERSON DIANE MCCORD AND SECONDED BY COUNCILPERSON VAN VLIET AT 8:20 PM.

NO ACTION WAS TAKEN

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 AUGUST 2015

AO-0599.000 Fund Balance	AO.1620.436	\$243.25
	Peak Power - Annual Bill	
	AO.5132.401	
	HWY Garage Cont. \$ 104,931.01	
	American Petroleum	
	AO.8020.400	\$56.00
	Planning Board School – Training	

AO.8020.454

Legal Fees

\$77.50

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

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

ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

Supervisor Kyle Barnett AYE
Councilperson Wayne Freer AYE
Councilperson Gloria Van Vliet 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	151362 - 151434	\$ 147,887.48
Highway Fund	152210 - 152239	\$ 224,689.16
Street Lights	156008	\$ 6,027.34
Port Ewen Sewer Fund	153085 - 153103	\$ 6,872.37
Port Ewen Water Fund	154208 - 154233	\$22,364.63
Total.....		\$407,840.98

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Gloria Van Vliet
SECONDED BY: Councilperson Diane McCord

ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

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

APPROVAL OF MINUTES

A MOTION TO APPROVE THE MINUTES OF PREVIOUS MEETINGS WAS MADE BY COUNCILPERSON GLORIA VAN VLIET AND SECONDED COUNCILPERSON DIANE MCCORD 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 8:25 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**