

**TOWN BOARD MEETING
SEPTEMBER 28, 2016**

A regularly scheduled Town Board Meeting was held on Wednesday, September 28, 2016 in the Town Hall, 284 Broadway, Ulster Park, N.Y. at 7:30 PM with the following persons in attendance:

**Supervisor Diane McCord
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Kyle Barnett
Councilperson Leslie Kalmus**

Administrative Recorder: April Oneto

Supervisor Diane McCord called the meeting to order at 7:34 PM.

PLEDGE

PUBLIC COMMENT

Douglas Navarra 512 Main Street, St. Remy.

Mr. Navarra submitted a map to the Board along with an analysis from his arborist regarding drainage issues. He discussed a drainage issue on his property that floods his property and the neighboring property that has been going on for quite some time. He stated that he came in to see the Supervisor in June and has had no movement as of yet. He recently spoke with Michael Cafaldo, Highway Superintendent, who has expressed his plan to repair the catch basin and install a French Drain. At the end of the French Drain there would be another drain to accept the water. He was told there is no money for this project to go forward. Mr. Navarra stated he does not like the installation of a French Drain and that he likes the map that he presented better. He feels the Highway Superintendent has no idea what he is digging into because there has been no soil testing. He does not want the water on his property and is not in favor of a catch basin, especially one that would be on his property and alter the landscaping of his property. Mr. Navarra spoke to Tom Story, DOT, and asked why this is happening. Tom told him that there is a 115 year old history from when the development was created.

Supervisor Diane McCord asked Mr. Navarra what happened to the culvert pipe that was originally there. He stated that the culvert pipe was probably put in during the 1970's and he believes it was probably just a hole in the ground. After speaking with Tom Story, he asked him what it would cost to put a catch basin in on the corner of Decker Street and piped underground under the street to Main Street. He told him that he estimates approximately \$15,000 and a week worth of work on each street and

Mr. Navarra thought this was actually reasonable. He submitted two copies of a letter from Limber Tree Service because there are a lot of trees there and this could jeopardize the root system for some of these trees.

Councilperson Gloria Van Vliet requested Michael Cafaldo, Highway Superintendent, to come forward and give the Board a review of what has happened and why we are having this problem. Councilperson Van Vliet asked, if there was not some kind of a drain that was covered over several months ago. Michael Cafaldo stated that according to the map that he has, there is a 24 foot by 200 foot right-of-way that went down between the two properties and Mr. Navarra filled it all in. On the day the Highway Department went to dig the culvert pipe out, Mr. Navarra jumped into the bucket of the machine and they had to call the police to have him removed. Michael Cafaldo discussed this with the Town Supervisor who was going to do some further checking. At that point, they let it ride and now all of the water is going onto the neighbor's property and goes into her cellar window. Michael Cafaldo stated before there was a 200 foot strip and the water would go in there and go away by itself.

Supervisor McCord asked Michael what the cost would be if we followed the wishes of Mr. Navarra. Michael stated that the estimate was \$30,000 but this does not include labor and that could increase this amount significantly. Supervisor McCord asked how much was in the budget for drainage. She was told that presently there is \$3,500 in the budget for drainage.

Councilperson Barnett asked if the issue is the right-of-way. Michael stated that he has the map and he gave Mr. Navarra a copy of the map which shows a 24 foot by 200 foot right-of-way. This is where the water always laid. Mr. Navarra filled in that area and now we have the problem. Mr. Navarra stated that he has asked for the right-of-way and he has not seen a copy of the right-of-way. He said that Mr. Cafaldo gave him a copy of a map with the highlighted section and Mr. Navarra feels it is not a right-of-way.

A MOTION WAS MADE BY COUNCILPERSON BARNETT THAT WE DO A TITLE SEARCH TO FIND OUT PRECISELY WHERE THE RIGHT-OF-WAY IS. MOTION WAS SECONDED BY COUNCILPERSON FREER. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Jeff Wolfeil – 266 New Salem Road Kingston, NY

Mr. Wolfeil submitted a letter and three pictures to the Board requesting a change in the zoning to correct what he considers to be a dangerous situation. Supervisor Diane McCord read the letter and passed the pictures around for the Board to review. The first picture shows signs obstructing your view when you look down the road in order to leave your driveway. Picture two shows the way cars are parking which completely obstructs the view. Picture three shows a fence that was put up all the way out to the road which obstructs your view when you are exiting the driveway. Mr. Wolfeil stated

he filed a complaint with the Zoning Officer and was told that there is nothing in the zoning about this issue except the height of the fence and further stated that this is not a corner lot. This material will be made part of the record. See Addendum A.

Mr. Wolfeil expressed his concerns regarding the safety of his family and the family next to him who have 6 children. He also feels this is a danger to pedestrians walking the road. He spoke with Ulster County and they sent notice to Mr. Schiller (property owner) and Frank Cogswell, tenant, that if anything happens they will go after them.

Mr. Wolfeil stated approximately 15 years ago this situation was brought before Judge Jordan regarding the fence. That evening Judge Jordan told him to remove some sections of the fence and warned him not to park his car where they obstruct the view.

Councilperson Freer asked Michael Cafaldo, Highway Superintendent, what is the right-of-way on that road from the center line. Michael believes that it is 30 feet from the center line. We will need to check on this.

Mr. Wolfeil stated the property belongs to John Schiller and it is on a blind turn. Diane told Mr. Wolfeil that we will need to look into this situation and get back to him.

Marc Miller - Sleightsburg

Mr. Miller owns 56.44-1-6, the Town owns 56.44-1-31 and he thinks they also own 56.44-1-3. He believes all of the parcels are encumbered by some restrictions. He would like to build a house a little closer to the line and would be interested in purchasing lot 56.44-1-31 and would even be interested in purchasing part of the other lot. He would be willing to take the property subject to the restrictions and clean it up. Councilperson Barnett clarified that Mr. Miller would be interested in purchasing a portion of 56.44-1-3 and all of 56.44-1-31. Mr. Miller confirmed this and stated whatever the Town would be willing to sell to him, he would buy. This would put them back on the tax rolls. Diane questioned if behind the parcel of 56.44-1-31 is Sleightsburgh Park property.

Mr. Miller was told the Board will look into this and get back to him.

EXECUTIVE SESSION – FRANCESCA SANSONE

A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO ENTER INTO AN EXECUTIVE SESSION AT 7:52 PM FOR THE PURPOSE OF INTERVIEWING A CANDIDATE FOR OUR ENVIRONMENTAL BOARD. THE MOTION WAS SECONDED BY COUNCILMAN KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON FREER TO COME OUT OF EXECUTIVE SESSION AT 8:05 PM AND SECONDED BY SUPERVISOR MCCORD. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**TOWN OF ESOPUS
ENVIRONMENTAL BOARD
APPOINTMENT RESOLUTION**

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

WHEREAS, there is a vacancy on the Environmental Board,

THEREFORE, BE IT RESOLVED that the Town of Esopus Town Board appoints Francesca Sansone to fulfill a vacancy on the Environmental Board with a term expiring 12/31/17.

Resolution offered by: Councilperson Wayne Freer
Seconded by: Councilperson Leslie Kalmus

The Board was polled:

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

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

Resolution
Propane Bids – Port Ewen Water/Sewer

Whereas, The Port Ewen Water/Sewer District advertised and received bids for Propane to be supplied for a period of (1) one year, beginning October 1, 2016 and ending September 30, 2017.

Whereas, bids were received and opened at the office of the Town of Esopus Town Clerk, on September 19, 2016.

Whereas, the lowest bidder for Propane was Bottini Fuel, 2785 West Main St., Wappingers Falls, NY, 12590, at a price of \$ 0.99 per gallon.

Therefore, be it resolved that the Town of Esopus Town Board award the bid to Bottini Fuel.

Resolution offered by: Councilman Gloria Van Vliet
Seconded by: Councilperson Wayne Freer

The Board was polled:

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

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

INTRODUCTION LOCAL LAW 1- 2016

SUPERVISOR MCCORD EXPLAINED THE NEED TO AMEND THE TEXT OF LOCAL LAW SECTION 123-46 B (4) AND INTRODUCED LOCAL LAW NO. 1 OF THE YEAR 2016.

The text of Local Law Section 123-46 B(4) is amended by deleting the present text and replacing it with the following:

Hearing Notice: Notice of the public hearing shall be published once in the official newspaper of the Town, at least 5 days prior to the date of such hearing. In addition, the Planning Board shall cause a notice of such hearing and explanation of the proposal to be mailed to the owners of all property adjacent to or directly across any street or right-of-way from the subject property. Such notices shall be sent to the owner's last known address as shown on the most recent Town Tax Assessment records and mailed at least 5 days prior to such hearing

SUPERVISOR MCCORD MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR LOCAL LAW NO. 1 FOR WEDNESDAY, OCTOBER 26, 2016 AT 7:00 PM. MOTION SECONDED BY COUNCILPERSON FREER. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

A Public Hearing will be held on this local law on Wednesday October 26 at 7:00 PM and will be advertised in the Daily Freeman. EACH BOARD MEMBER RECEIVED A COPY OF LOCAL LAW #1- 2016

INTRODUCTION TO LOCAL LAW #2 - 2016

LOCAL LAW NO. 2 OF THE YEAR 2017 TO OVERRIDE THE TAX LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C.

Supervisor McCord explained that New York State has imposed a two percent tax cap for municipalities and the Town has been under that cap for the last two years. Our bills have still gone up and we have had to live with this two percent tax. This year one bill has gone up by \$12,000 which puts us over the cap.

1. Introduction of Local Law No. 4 – to Override the Tax Limit Established in General Municipal Law 3-c

New York State has imposed a two percent tax limit for municipalities. If the Town adopts a budget with two percent and there is an honest mistake in the calculations that make the budget go to 2.1 percent the Town is now liable to be sued by the State. A copy of the following law is available to the public by visiting the Town Clerk's Office:

A Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Esopus pursuant to General Municipal Law 3-c, and to allow the Town of Esopus to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Esopus, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or

circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective date

This Local Law shall take effect immediately upon filing with the Secretary of State.

SUPERVISOR MCCORD MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR LOCAL LAW NO. 2 FOR WEDNESDAY, OCTOBER 26, 2016 AT 7:15 PM. MOTION SECONDED BY COUNCILMAN FREER. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

A Public Hearing will be held on this local law on Wednesday, October 26 at 7:15 PM and will be advertised in the Daily Freeman. **EACH BOARD MEMBER RECEIVED A COPY OF LOCAL LAW #2 - 2016**

Councilperson Barnett recommends we check what the cap is for 2017. He believes that it is .68 percent. He stated that this is insurance against the possibility going over the cap.

PANGERC – LOT LINE ADJUSTMENT

Mr. Pangerc was before the Planning Board for a lot line adjustment and it was discovered at that time a small portion of the home was on the Town property. The house was not originally on the Town road but when the road was widened, the man's home was then in our right-of-way. The Town is giving him 37 square feet. Maps have been drawn up along with property descriptions, (at the owner's expense). Two Town Board members will need to sign the maps.

COUNCILMAN BARNETT MADE A MOTION TO MOVE FORWARD AND FOR THE SUPERVISOR AND ONE TOWN BOARD MEMBER TO SIGN THE MAPS. MOTION SECONDED BY COUNCILMAN KALMUS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED. COUNCILMAN BARNETT AND SUPERVISOR MCCORD WILL SIGN THE MAPS.

MARSHALL AND STERLING HUMAN RESOURCES SERVICES

Supervisor McCord stated our Insurance Company Marshall and Sterling had an individual who will work with us to update our employee handbook which has not been updated in ten years. She would like the Board's permission to sign the Human Resources Services 2016 Addendum A.

Councilperson Freer questioned how many years this would be for. Supervisor McCord stated that it is her understanding that it is a yearly contract for 4 hours per year at \$75.00 per hour. She stated before she signs the contract, she will check on the terms.

Councilperson VanVliet asked if the \$75.00 per hour is in addition to the \$2,000 and was informed that it was.

COUNCILPERSON FREER MADE A MOTION AUTHORIZING THE SUPERVISOR TO SIGN MARSHALL & STERLINGS INSURANCE – HUMAN RESOURCES SERVICES 2016 – ADDENDUM A. COUNCILPERSON BARNETT SECONDED THE MOTION. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

BQ AGREEMENT FOR SOLAR

Supervisor McCord emailed the Town Board the BQ Agreement for solar along with the updates after the contract was reviewed by Paul Kellar, Esq. (Town Attorney) and Meister who is the reviewer for NYSERDA. Supervisor McCord stated when the Board is finished reviewing the information she would like to schedule a date to meet on this matter. Councilperson Barnett stated that he thought the suggestion was to see if we can resolve whatever remaining issues exist with our attorney, BQ's attorney, the Supervisor and one other member of the Board and see if we can put it together before assembling the entire Board to go through it. Barnett stated if any members of the Board had questions they should let the Supervisor know and she can relay these questions.

Discussion took place regarding possible dates to get together with the lawyers to discuss the BQ Agreement. It was suggested the Supervisor try to schedule a separate meeting during the day where the parties involved can get together and discuss the issues. Councilperson Barnett said as soon as we received the PPA from BQ it was immediately sent to the lawyer and the consultant and we have been waiting for their comments. We had a delay in getting the grant transferred. He suggested the Supervisor get in touch with the attorneys on the phone, try to iron out the issues and report back to the Town Board.

BUDGET MEETING

A special meeting has been scheduled for October 13th at 9:00 a.m. to discuss the 2017 Budget.

NYMIR TRAINING

Three Highway Department staff will be attending training on "Safety During Snow & Ice Removal" Monday, November 7, 2016 in Fishkill.

SCENIC HUDSON

Scenic Hudson will be having a Ribbon Cutting for the opening of the Scenic Hudson High Banks Preserve on Saturday, October 15, 2016 at 11:00 a.m. Everyone is invited.

STEVE AARON

Steve Aaron contacted Supervisor McCord about Channel 23 putting on disks they sent regarding thanking the firemen and the EMTs for all their help they have given to Birchez. When it was put on the DVD Player, it did not play. Mr. Aaron has offered to purchase a new DVD player for Channel 23. The Town Board is in favor of accepting this donation. Supervisor McCord stated Mr. Aaron also has the names of three individuals he recommended to assist Brian Barnes with Channel 23.

APPROVAL OF THE MINUTES

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

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

BUDGET ADJUSTMENTS

There are no Budget Adjustments for September, 2016.

RESOLUTION AUTHORIZING PAYMENT OF BILLS - SEPTEMBER 2016

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	161410 - 161474	\$ 32,326.73
Highway Fund	162213 - 162247	\$ 41,903.28
Street Lights	166008	\$ 6,506.57
Port Ewen Sewer Fund	163123 - 163139	\$ 8,269.98

Port Ewen Water Fund 164186 - 164224

\$ 40,248.97

Total.....

\$129,255.53

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

**OFFERED BY: Councilperson Kyle Barnett
SECONDED BY: Councilperson Leslie Kalmus**

The Board was polled:

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

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

PROSPECTIVE EMPLOYEE – EXECUTIVE SESSION

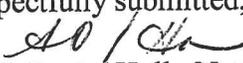
COUNCILPERSON FREER MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 8:40 PM TO INTERVIEW A PROSPECTIVE EMPLOYEE FOR THE BUILDING DEPARTMENT. MOTION WAS SECONDED BY COUNCILPERSON KALMUS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

COUNCILPERSON FREER MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT 9:10 PM. COUNCILPERSON VANVLIET SECONDED THE MOTION. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

No Action Taken.

ADJOURNMENT

A MOTION TO ADJOURN AT 9:15 PM WAS MADE BY COUNCILPERSON FREER, THE MOTION WAS SECONDED BY COUNCILPERSON VAN VLIET. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Respectfully submitted,

April Oneto/ Holly Netter
Town Clerk, RMC

