

**TOWN BOARD MEETING
OCTOBER 26, 2016**

A regularly scheduled Town Board Meeting was held on Wednesday, October 26, 2016 in the Town Hall, 284 Broadway, Ulster Park, N.Y. with the following persons in attendance:

**Supervisor Diane McCord
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Kyle Barnett *Absent for Public Hearings, Present
for Town Board Meeting
Councilperson Leslie Kalmus**

Administrative Recorder: Holly A. Netter, Town Clerk

PUBLIC HEARING PROPOSED LOCAL LAW #1 TO AMEND THE TEXT OF LOCAL LAW SECTION 123-46 B (4)

Supervisor Diane McCord opened the Public Hearing for Local Law # 1 of 2016 at 7:06 pm.

LOCAL LAW NO. 1 2016 – A LOCAL LAW 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.

PUBLIC COMMENT – NONE

The amendment was needed to have uniformity in Notification of a Public Hearing and in the time frame for Planning Board notifications to be sent to neighboring properties. The new local Law will be consistent regardless of the type of application.

THIS PUBLIC HEARING HAD BEEN SET AND LOCAL LAW WAS INTRODUCED AT THE SEPTEMBER 28, 2016 TOWN BOARD MEETING AND ALL MEMBERS OF THE BOARD RECEIVED A COPY OF THE PROPOSED LOCAL LAW AT THAT TIME. Public Hearing Notice was published in the Daily Freeman on Friday October 21, 2016.

A MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY COUNCILPERSON GLORIA VAN VLIET AND WAS SECONDED BY COUNCILPERSON LESLIE KALMUS. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

PUBLIC HEARING LOCAL LAW TO OVERRIDE THE TAX LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C.

Supervisor Diane McCord opened the Public Hearing for Local Law # 2 of 2016 at 7:15 pm.

Local Law No. 2 – 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 judgment 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 judgment or order shall be rendered.

Section 5. Effective date

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

PUBLIC COMMENT: NONE

Supervisor McCord explained the Town has been under that cap for many years. Our bills have gone up and health benefit rates have increased.

Councilperson Freer said this is a realistic budget, for the past 10-12 years the Board has managed to stay close to or come in under the tax cap. However, each year the State lowers the cap making it more difficult. By passing this Local Law, if the Town does go over the percentage, we are covered. Councilperson Freer said the Board will keep it as low as possible.

Councilperson Les Kalmus said, over the years, in managing to keep the taxes from going up the Town reserves have been depleting. We have to do something to make sure the Town is financially secure for the future and capable of handling an unforeseen emergency.

COUNCILPERSON WAYNE FREER MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE LOCAL LAW TO OVERRIDE THE TAX LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C. THE MOTION WAS SECONDED BY COUNCILMAN LESLIE KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

EACH BOARD MEMBER HAD RECEIVED A COPY OF THIS LOCAL LAW TO OVERRIDE THE TAX LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C. AT THE SEPTEMBER 28, 2016 TOWNBOARD MEETING. Public Hearing Notice was published in the Daily Freeman on Friday October 21, 2016.

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

Supervisor Diane McCord called the regularly scheduled Town Board Meeting to order at 7:30 PM. Councilperson Barnett arrived for the Town Board Meeting.

PLEDGE

PUBLIC COMMENT - NONE

CLASSIC RACE ROUTE – APRIL 23, 2017

Steve Klein could not attend the meeting, therefore, Ron Swart reviewed the proposed race Route with the Board. The majority of the race will be run along the waterfront in Kingston however, the racers will come over the old Port Ewen Bridge and turn around. NYS DOT is in charge of issuing the permit and closing the road. The State requires a letter from all municipalities involved stating there is no objection of having the race cross into their town. The date is April 23, 2017 and it will start at 1pm. The closure of the road will be from approximately 12:45 pm – 2:00 pm.

COUNCILPERSON WAYNE FREER MADE A MOTION AUTHORIZING THE SUPERVISOR TO WRITE A LETTER OF APPROVAL FOR THE ROAD TO BE CLOSED FOR THE KIWANIS CLASSIC RACE BETWEEN THE HOURS 12:45 PM AND 2:00 PM. THE MOTION WAS SECONDED BY COUNCILPERSON LESLIE KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR MOTION CARRIED.

KATHY ROBINSON – WINTER WONDERLAND PARADE/ STRAWBERRY MOON DANCE

Kathy gave a brief update on the Winter Wonderland Parade which will take place December 10, 2016 at 5:30 pm. The library will not allow the children to wait for the parade inside, therefore Kathy has approached the Wenzel family to see if the children can wait in the Laundromat. Kathy said the fire and ambulance usually line up at the Banner of Love Church but there are large cement blocks now separating the Frozen Rainbow and church parking lots. The Board suggested she contact the church to obtain permission to use the lot to line the vehicles up. Kathy also posed the question looking for volunteers perhaps from the police academy. There are currently only 10 people who handle road patrol. This is the 12th year for the parade and it keeps getting larger.

June 9th will be the Strawberry Moon Festival at George Freer Park. It will be in honor of Noah Ryan Longendyke and proceeds will go to the Albany Children's hospital.

A band has been selected. Jay Mauer from Town has a band, Old School, who gave Kathy a reasonable rate. She will get donations to pay for the cost of the band. She intends to send letters out to the local Churches looking for Volunteers who may need service hours to help set up and clean up after the event.

Kathy will be looking for food trucks to come to the event. She will be asking for a deposit of \$100 and if they show up they will receive their deposit back. Currently Kathy has 8 people on the committee. Recreation Board Members will sell tickets and kids under 12 will be free. Tickets will be \$5 each.

Kathy wants to contact the Port Ewen Fire Department because she does not want to be in conflict with their Bazaar. Kathy cannot change the date because that is when the moon is occurring.

She hopes this will be an annual Friday night event but each year the event will change in theme to coordinate with the moon.

SEQR – NEGATIVE DECLARATION FOR PROPOSED LOCAL LAW #1 TO AMEND THE TEXT OF LOCAL LAW SECTION 123-46 B (4)

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER TO AUTHORIZE THE SUPERVISOR TO SIGN THE NEGATIVE DECLARATION FOR THE PROPOSED LOCAL LAW TO AMEND THE TEXT OF LOCAL LAW SECTION 123-46 B (4). THE MOTION WAS SECONDED BY COUNCILPERSON LESLIE KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**TOWN OF ESOPUS RESOLUTION
ADOPTING THE 2017 TAX CAP OVERRIDE**

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

WHEREAS, Local Law No. 1 of the year 2016, Town of Esopus, a local law to override the tax levy limit established in General Municipal Law 3c, was introduced on September 28, 2016, and a Public Hearing held on October 26, 2016, at 7:15 in accordance with the Law, and

WHEREAS, each Town Board member received a copy of said Local Law No. 1 on September 28, 2016, and

WHEREAS, It is the intent of this 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 3c, 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 3c,

WHEREAS , this local law is adopted pursuant to subdivision 5 of General Municipal Law 3c, 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,

WHEREAS, 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, 3c,

WHEREAS, 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 judgment 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.

THEREFORE, BE IT RESOLVED that the Town of Esopus Town Board adopts this local law which shall take effect immediately upon filing with the Secretary of State.

OFFERED BY: Councilperson Leslie Kalmus
SECONDED BY: Councilperson Gloria Van Vliet

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.

****PUBLIC HEARING FOR TWO LOCAL LAWS WAS PRESENTED, HOWEVER, THE BOARD DID NOT HAVE ALL OF THE INFORMATION NECESSARY TO MOVE AHEAD WITH LOCAL LAW #1. HENCE THE LOCAL LAW REGARDING THE OVERRIDE OF THE TAX LEVY LIMIT (PRESENTED AS LOCAL LAW #2) REVERTED TO NUMBER 1, SINCE THIS IS THE FIRST LAW THAT WILL BE FILED WITH THE STATE FOR THE YEAR OF 2016.**

SUPERVISOR ANNOUNCEMENTS

The pavilion at Cas Landi Memorial Park has been completed at no cost to the Town. The grand opening will be next spring when landscaping is done. Tables will be delivered

and installed. Supervisor McCord thanked Joe Landi, our anonymous donors, George Heisenbittel, those who donated their expertise to the installation and the Bruderhof for providing the cost of the contractor. Many hands have been involved in this project and we thank everyone for their help.

Supervisor McCord asked if the Town Board wanted to move ahead and buy the No Feeding the Geese Signs for George Freer Memorial Park which had been discussed at the workshop meeting. After a short discussion, Councilperson Barnett said, we can try it but if it doesn't work they will have to look for other options.

Supervisor McCord asked if the Board would like to move ahead replacing the missing letters from the Sleightsburgh Spit dock. The Board agreed to replace the letters in 2017.

Supervisor McCord said the Economic Development Committee is in favor of changing the zoning in Esopus from Neighborhood Commercial to General Commercial and they asked her to convey their thoughts.

NOTICE OF 2017 BUDGET PUBLIC HEARING

Once again the Public Hearing for the 2017 Budget was announced for November 7th at 7 pm. The legal ad will be sent to the Freeman for print.

RESOLUTION – WOODCREST DRIVE

TOWN OF ESOPUS RESOLUTION NAMING A PRIVATE ROAD WOODCREST DRIVE

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 need to identify the private road off Route 213, near Perrine's Bridge, as the entranceway to Woodcrest Bruderhof for emergency response scenarios,

WHEREAS, any necessary approvals for the requested road name are completed and the road name is authorized by the Ulster County Emergency Management Department,

THEREFORE, BE IT RESOLVED that the Town of Esopus Town Board approves Woodcrest Drive as the name of the private road.

OFFERED BY: Supervisor Diane McCord
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.

RESOLUTION TO APPOINT COMPREHENSIVE BOARD

**TOWN OF ESOPUS
COMPREHENSIVE PLAN 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, the Comprehensive Plan Board shall consist of one representative from each of the current Town Boards and the Planning Board Consultant.

THEREFORE, BE IT RESOLVED that the Town of Esopus Town Board appoints the following as representatives: Term to expire at the completion of the Project.

1. Myles Putman, Planning Consultant
2. Fred Zimmer, Planning Board
3. Marc Ellison, Environmental Board
4. Melanie Marino, Zoning Board
5. Kathie Quick, Waterfront Advisory Board
6. Les Kalmus, Town Board
7. Additional Member of the Public

Town Board, at their discretion, can add or replace members without cause and as necessary. The Members of the Comprehensive Board serve at will.

OFFERED BY: Supervisor Diane McCord
SECONDED BY: Councilperson Kyle Barnett

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.

RESIGNATION – KYLE BARNETT COUNCILPERSON

Supervisor McCord read the resignation letter Councilperson Barnett had submitted to the Town Clerk announcing his resignation as of October 31, 2016. Supervisor McCord was sad to hear of the resignation and adds that Councilperson Barnett has been such an asset to the Town. Councilperson Barnett offered to extend his resignation date until the end of the year and offer what assistance he could. Councilperson Gloria Van Vliet said they will miss Councilperson Barnett's guidance, expertise and advice and would be happy to have him extend his resignation date until December 31, 2016. All members were in agreement. Councilperson Kyle Barnett will amend his resignation date to December 31, 2016.

BQ AGREEMENT FOR SOLAR

Paul Curran from BQ Energy was present at the meeting. Upon the signing of the agreement, BQ will begin to order equipment and the Solar project is scheduled to be in operation by next summer.

A MOTION WAS MADE BY COUNCILPERSON KYLE BARNETT TO AUTHORIZE THE SUPERVISOR TO SIGN THE REMOTE NET METERING CREDIT AND MAINTENANCE AGREEMENT WITH THE CONDITION THAT THE TOWN ATTORNEY PAUL KELLAR IS SATISFIED WITH ALL CONDITIONS. THE MOTION WAS SECONDED BY COUNCILPERSON LESLIE KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

HALLOWEEN CURFEW 2016

Esopus has set a curfew of 7 pm for Halloween.

APPROVAL OF THE MINUTES

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

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

BUDGET ADJUSTMENTS

There are no Budget Adjustments for October 2016.

RESOLUTION AUTHORIZING PAYMENT OF BILLS - October 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	161475 - 161528	\$ 31,907.16
Highway Fund	162248 - 162271	\$ 17,047.70
Street Lights	166009-166010	\$ 6,577.71
Port Ewen Sewer Fund	163140 - 163156	\$ 4,957.13
Port Ewen Water Fund	164225 - 164249	\$ 19,658.44
Void 164234		
Total.....		<u>\$80,148.14</u>

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Gloria Van Vliet

SECONDED BY: Councilperson Leslie Kalmus

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.

EXECUTIVE SESSION

COUNCILPERSON KYLE BARNETT MADE A MOTION TO GO INTO EXECUTIVE SESSION AT 8:18 PM TO DISCUSS A PERSONEL ISSUE IN THE BUILDING DEPARTMENT. MOTION WAS SECONDED BY SUPERVISOR MCCORD. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

COUNCILPERSON FREER MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT 9:00 PM. COUNCILPERSON VAN VLIET SECONDED THE MOTION. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

No Action Taken.

ADJOURNMENT

A MOTION TO ADJOURN AT 9:01 PM WAS MADE BY COUNCILPERSON BARNETT. THE MOTION WAS SECONDED BY COUNCILPERSON FREER. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Respectfully submitted,

Holly Netter
Town Clerk, RMC