

10/20/2020

**TOWN BOARD MEETING  
Tuesday October 20, 2020**

A regularly scheduled Town Board Meeting was held on October 20, 2020 in the Town Hall, 1 Town Hall Way, Ulster Park, NY with the following persons in attendance:

**Supervisor Shannon Harris  
Councilperson Evelyn Clarke  
Councilperson Jared Geuss  
Councilperson Kathie Quick  
Councilperson Chris Farrell**

**Administrative Recorder: Holly A. Netter, Town Clerk, RMC**

**THIS MEETING WAS **TELEVISED LIVE ON CHANNEL 23 PUBLIC ACCESS** and LIVE-STREAMED ON "TOWN OF ESOPUS" FACEBOOK PAGE FOR PUBLIC COMMENT: call (845) 328-0483 to leave a voicemail or email outreach@esopus.com for assistance. The meeting was open to the public with limited space to ensure social distancing; no public attended.**

**SUPERVISOR HARRIS MADE A MOTION TO OPEN THE REGULARLY SCHEDULED MEETING AT 7:22 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED. (PUBLIC HEARINGS WERE CONDUCTED PRIOR TO THIS MEETING AND THE MINUTES RELATING TO THE 2021 BUDGET AND LOCAL LAWS 5-13 ARE AVAILABLE AT ESOPUS.COM.**

**PUBLIC COMMENT - none**

**Riverfront Access Plan**

**A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO DECLARE THE ESOPUS TOWN BOARD AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE TOWN OF ESOPUS RIVERFRONT ACCESS & CONNECTION STUDY. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**RESOLUTION**  
**SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY**  
**FOR THE ADOPTION OF THE TOWN OF ESOPUS RIVERFRONT: ACCESS & CONNECTIONS STUDY**

WHEREAS, the Town of Esopus 2019 Comprehensive Plan recommended the Town identify opportunities to enhance public waterfront access, reinforce connections to water and land-based trails and enhance resiliency to sea-level rise and associated flooding; and

WHEREAS, the Town of Esopus, in partnership with Scenic Hudson applied for and was awarded \$50,000 in funding from the NYSDEC Hudson River Estuary Program to prepare the Esopus Riverfront: Access and Connections Study (Riverfront Study); and

WHEREAS, the Town Board of the Town of Esopus (Town Board) assigned the task of preparing the Riverfront Study to the existing Waterfront Advisory Board, adding additional members specifically for this project along with representation by Scenic Hudson, together referred to as the Riverfront Project Committee (RPC); and

WHEREAS, the RPC has drafted the Riverfront Study with the assistance of planning consultant, Laberge Group, Albany, New York, and has solicited input from the community through two workshops, site visits, stakeholder coordination and Town Board presentations; and

WHEREAS, the RPC released the Draft Riverfront Study on July 6, 2020 and accepted public, stakeholder and agency comments through September, 2020; and

WHEREAS, at the direction of the RPC, Laberge Group presented the Draft Riverfront Study at a July 7, 2020 Town Board meeting; and

WHEREAS, based on the comments provided during the comment period, the RPC directed Laberge Group to make necessary revisions to the Draft Riverfront Study; and

WHEREAS, the RPC reviewed the revisions and forwarded the Final Riverfront Study to the Town Board for consideration; and

WHEREAS, the Town Board is initiating the adoption process; and

WHEREAS, adoption of the Riverfront Study (the “Proposed Action”) has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4; and

WHEREAS, the Proposed Action will not require permits and approvals from any other local, regional or State agency prior to adoption of the Riverfront Study and a coordinated SEQRA review is not required; and

WHEREAS, the Town Board intends to declare itself as Lead Agency for the environmental review of the Proposed Action.

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NOW, THEREFORE, BE IT

RESOLVED, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617, the Town of Esopus Town Board concludes that it is the appropriate agency to serve as, and declares itself Lead Agency for the environmental review of the Proposed Action; and

RESOLVED, that the Town of Esopus Town Board hereby directs Laberge Group to prepare the Full Environmental Assessment Form (EAF) pursuant to the requirements set forth in SEQRA 6 NYCRR Part 617.

RESOLVED, that this resolution shall take effect immediately.

**OFFERED BY: Councilperson Chris Farrell**

**SECONDED BY: Councilperson Jared Geuss**

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

**NYS Association of Towns- February 2021**

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO DESIGNATE COUNCILPERSON KATHIE QUICK TO ATTEND THE 2021 ANNUAL BUSINESS SESSION OF THE NYS ASSOCIATION OF TOWNS, AND TO CAST A VOTE ON THE TOWN OF ESOPUS' BEHALF. SUPERVISOR HARRIS IS THE ALTERNATE. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR MOTION CARRIED.

**UCRRA**

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO APPROVE THE NEW CONTRACT WITH THE ULSTER COUNTY RESOURCE RECOVERY AGENCY FOR 2021-2025. THE CONTRACT REMAINS THE SAME AS THE PAST 5 YEARS. THE MOTION WAS SECONDED BY COUNCILPERSON EVELYN CLARKE.

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>Abstain **</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

**4 Aye, 1 Abstain: MOTION CARRIED**

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\*\* Councilperson Geuss said he was happy with the contract but would not be voting due to a conflict and recused himself.

### **COURT STANCHIONS**

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPROVE THE PURCHASE OF STANCHIONS FOR THE COURTROOM. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR, MOTION CARRIED.**

### **UPDATES**

**Halloween** – This year’s Halloween curfew will be set at 7 PM in Esopus.

**Election Day** – Esopus Town Hall will act as a polling site from 6 AM – 9 PM on 11/3. For information on early voting, absentee ballot requests and more, visit [Elections.UlsterCountyNY.gov](http://Elections.UlsterCountyNY.gov)

**Veteran’s Day** – the American Legion will hold Veteran’s Day at the Veteran’s Memorial outside Town Hall on 11/11 at 11 AM.

**Call for volunteers** – open positions on the Parks and Recreation Commission, Planning Board and Environmental Board. Please inquire to volunteer today!

### **Referral Letter to Ulster County & Esopus Planning Boards**

Supervisor Harris referred Local Laws 5-13 to the Esopus and Ulster County Planning Boards for review.

### **Letter from Planning Board Attorney regarding Environmental Board Request**

Supervisor Harris read a Letter from Planning Board Council in relation to the Environmental Conservation Board’s (ECB) request for mandatory referral of all applications and pre-submissions to the Planning Board and Zoning Board of Appeals for the ECB to review.

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**VAN DEWATER AND VAN DEWATER, LLP**

COUNSELORS AT LAW

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October 20, 2020

**Sent via email**

Shannon Harris, Supervisor  
Town of Esopus  
PO Box 700  
Port Ewen, NY 12466

Town of Esopus Town Board  
PO Box 700  
Port Ewen, NY 12466

Re: Town of Esopus  
Our File No. 8991-03

Dear Supervisor Harris and Town Board Members:

The following is offered in response to the Environmental Conservation Board's (ECB) request for mandatory referral of all applications, and pre-submissions, filed with the Town of Esopus Planning Board (Planning Board) and Town of Esopus Zoning Board of Appeals (ZBA).<sup>1</sup> As a threshold matter, I would like to convey the Planning Board's deep appreciation for the hard work, dedication and benefit the members of the ECB provide to the Town of Esopus (Town).

The creation of a Planning Board is a discretionary act. See Town Law §271. However, once established, any alteration of Planning Board procedure requires legislative action, i.e. an amendment to Town Code.

As you know, the New York State Environmental Quality Review Act (SEQR), Article 8 of the Environmental Conservation Law, is both a law and process that requires the consideration of environmental factors early in the planning stages of actions that come before the Planning Board. This legislation is intended to ensure that environmental factors will be given the same consideration as social and economic factors in the decision-making process and provides a means of formal coordination among governmental agencies, as well as with the private sector.

The SEQR process sets up a very systematic approach for this consideration that is geared toward identifying means to modify proposed actions to avoid or mitigate adverse impacts on the environment. The Planning Board, which typically operates as lead agency, must determine the environmental impact before taking action on each application that comes before it. In the event of a "positive declaration" which means that the proposed action has potential for significant adverse impact on the environment, the application cannot be further processed until an Environmental Impact Statement (EIS) is prepared. An EIS is a document that impartially analyzes the significant environmental effects of a proposed action and identifies how those effects can be avoided or minimized. The EIS is intended to be integrated into the Planning Board's normal review process. After a draft EIS is prepared, the public, including the ECB, will have an opportunity to voice any concerns or perspectives that are relevant to a project's environmental impact.


The Planning Board is of the opinion that given the rigorous requirements of SEQR and its role as lead agency, the involvement of yet another board whose mission is purportedly aligned with the same objectives of SEQR is duplicative, needlessly burdensome and a waste of governmental resources. A mandatory referral will undoubtedly create an unnecessary burden on the Planning Board and the applicants who appear before it. The burden upon the applicant will be exacerbated by additional delays in the processing of applications and the costs of having to appear before or further communicate with the ECB. Finally, mandatory referral will enhance the potential for liability against the Planning Board, particularly when the ECB's official position, which is unrestrained by statute, differs from the Planning Board, whose members who are trained to comply with the strict requirements of SEQR.

Thank you for your attention to this matter. If I can be of any further service, please feel free to contact me.

Very truly yours,

VAN DE WATER & VAN DE WATER, LLP

BY:

  
KYLE W. BARNETT

KWB/jbo

cc: Roxanne Pecora, Planning Board Chairperson (via email)  
Lisa K. Mance, Planning Board Secretary (via email)

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<sup>1</sup> Regarding the ZBA, Town law § 267, provides in some detail for the organization, jurisdiction, and procedure of town zoning boards of appeals. These provisions are mandatory; it is beyond the power of the town board to subtract from the jurisdiction of the board of appeals, to alter procedures prescribed by statute, or to tamper with the organization or composition of the board.

## CSX

Supervisor Harris has received numerous complaints regarding extended train stops which cause obstruction and make the tracks impassible. Reports of rail road crossings being blocked randomly for 45 minutes – 1 hour have been experienced by residents in the lower end of town. The length of the trains has an impact on multiple crossings at the same time. This inhibits emergency response which could be detrimental. Supervisor Harris will send a letter of complaint requesting an explanation. She will also send this concern to County Executive Ryan and Legislator Petite; Assemblyman Cahill's office has contacted CSX on the Town's behalf. Supervisor Harris will keep the Board up to date as information becomes available.

## SLEIGHTSBURGH RESIDENTS REQUEST

Sleightsburgh Residents are requesting feedback from the Board. The residents submitted a letter stating their opinions on the matters discussed at the Sleightsburgh Spit mediation meetings. The Sleightsburgh community is asking when the Board is going to address the Sleightsburgh Spit and make a decision on the rules/policies that were discussed at the WAB mediation meeting held in August between residents and sportsmen. The Board has taken

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some of the suggestions into consideration such as the electronic gate. Quotes are being requested and they are trying to have it installed this year. Councilperson Farrell said he appreciates the residents' individual opinions. However, this process was set up for the groups to speak to the WAB and the Board will take the Waterfront's comments under advisement when creating the policy. A tentative date was set to discuss this matter further on December 15th. Outstanding issues of the budget and Local Laws 5-13 are currently taking precedent but should be resolved by then.

**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 OCTOBER 2020**

AO 0599.000 Fund Bal	AO 1420.400	\$ 5,206.16
	ATTORNEY CONTRACTUAL	
	AO 1620.405	\$1,346.17
	BLDG TELEPHONE & FAX	
	AO. 9050.800	\$150.27
	UNEMPLOYMENT	

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

**OFFERED BY: Councilperson Chris Farrell**  
**SECONDED BY: Councilperson Jared Geuss**

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

**RESOLUTION AUTHORIZING PAYMENT OF BILLS October 2020**

**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	201430-201502	\$72,929.13
HIGHWAY FUND	202191 - 202217	\$78,041.04
STREET LIGHTS	206008	\$ 5,572.42
PORT EWEN SEWER FUND	203110-203121	\$ 9,543.38
PORT EWEN WATER FUND	204205 - 204235	\$ 34,796.32
CAPITAL	200001	\$ 4,088.92
Water Treatment	200400 -200402	\$59,523.20
TOTAL		\$ 274,494.41

**A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.**

**OFFERED BY:** Councilperson Kathie Quick  
**SECONDED BY:** Councilperson Evelyn Clarke

Councilperson Evelyn Clarke      **AYE**  
 Councilperson Jared Geuss      **AYE**  
 Councilperson Kathie Quick      **AYE**  
 Councilperson Chris Farrell      **AYE**  
 Supervisor Shannon Harris      **AYE**

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



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**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL AT 7:45 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PARTICULAR PERSONNEL HISTORY. MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO COME OUT OF EXECUTIVE SESSION AT 7:55 PM AND WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

**ACTION:**

A MOTION WAS MADE BY SUPERVISOR HARRIS TO GIVE HER PERMISSION TO NEGOTIATE WITH POSSIBLE CONSULTANTS FOR THE ASSESSORS DEPARTMENT. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR; MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO PROVIDE PATTY SMITH A \$100 STIPEND PER MONTH FOR HER ACTING ASSESSOR ROLE TO BEGIN IN THE MONTH OF OCTOBER AND CONTINUES UNTIL A PERMENENT REPLACEMENT IS FOUND. THE MOTION WAS SECONDED BY COUNCILPERSON EVELYN CLARKE. ALL MEMEBERS WERE IN FAVOR; MOTION CARRIED.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILPERSON SUPERVISOR HARRIS TO ADJOURN THE MEETING AT 8:55 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

*Respectively Submitted,*

*Holly A. Netter  
Town Clerk, RMC*