

**TOWN BOARD MEETING  
NOVEMBER 21, 2013**

A regularly scheduled Town of Esopus Town Board Meeting was held on Thursday, November 21, 2013 at 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**

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

**Public Comment:**

**John Wolfeil, Jr. –26 Dick Williams La. Ulster Park, N.Y.** Mr. Wolfeil asked if the Town Board had looked at any of the information he submitted?

Councilperson Wayne Freer said yes, he had reviewed everything and as we discussed, once the right of way is turned over to the town, all of your right of ways should remain in place. When the town takes over the road you would lose the right of way but you would have road frontage and actually be on and have access on the town road.

Mr. Wolfeil said he turned over quite a few things and a couple of the things that were done to us were out of my hands and through no fault of our own and the town \_\_\_\_\_inaudible. (Mr. Wolfeil asked to have this on the record.) Are there any thoughts on that?

Councilperson Freer continued....the only thought I had on that is the property is still not ours and it is something we are involved in yet it is not our responsibility. It is still the responsibility of the property owners.

Mr. Wolfeil said you are talking about going forward and I am talking about what was done to us.

Councilperson Freer said what was done to you was not the towns' doing. So the bulldozers parked in front of the driveway blocking our ingress and egress was not the town approving it with the complaints \_inaudible\_. *At this point in time Mr. Wolfeil began to question Ms. Patenal and there was discussion among the Town Board Members if this was a part of the public comment process?*

Councilperson Wayne Freer said he did not know what was said back and forth but what we are looking for is public comment and what we can do to help you out. As far as what goes on between property owners?

Mr. Wolfeil felt he was being blocked out. He said he submitted stuff and you are having workshops and are putting people on and things but nothing is happening because I want to go to court with this if you don't pay me back. I am spending a lot of money to gain access to my property and I want a yeah or neigh on whether or not I am going to get reimbursed by the town and if it a neigh we are going to court.

Supervisor Coutant asked if Mr. Wolfeil was advising the town that you are going to take legal action against the town?

Mr. Wolfeil said if it doesn't go the way I want it to go and if we don't get reimbursed for what we had to spend we are going to court.

Supervisor Coutant asked who do you anticipate is going to pay you for any of these problems?

Mr. Wolfeil said the town approved it....the town is going to pay me.

Councilperson Kyle Barnett asked if there was any other public comment?

Mr. Wolfeil asked if he were being cut off?

No, is there anything else you have to say?

Yes Sir! When will you give me an answer?

Councilperson Barnett said the answer is no, we are not going to reimburse you. The Town Board Members agreed.

Mr. Wolfeil said he ran a gun club with 300 members for a long time and he knows how to play the game too.

Councilperson Wayne Freer said from everything he has seen he feels it is a property dispute between two different parties and I think what you feel is it is a Planning Board dispute?

Mr. Wolfeil said there were complaints filed with the Planning Board, people were called and everything was sided with the Birchez who blocked our access.

Councilperson Freer....that is a civil thing.

Mr. Wolfeil...we have the photos of Birchez blocking our access.

Councilperson Kyle Barnett..the problem is that your issue is not necessarily with the town and it may be with the other property owner.

Mr. Wolfeil disagreed with this.

Councilperson Barnett respected Mr. Wolfeil's right to do so.

Supervisor Coutant said to John Wolfeil...if it is a property question, the owner of the property has paid a title company and a surveyor to do the work and that process is guaranteed to him.

There is insurance behind that and if there is an error that is where it should be brought. It should not be brought to the Town Board. The Town Board did not set up the perimeters of your property. My Planning Board looked at it and took the certifications. A town cannot do any more than that.

Mr. Wolfeil....I am talking about blocking the access to our property which the town allowed to happen. Since 1959 we have had access.

Supervisor Coutant asked isn't the time frame you are talking about 2007-2008 and it is now 2013.

Wolfeil: It is a problem because we would not have access to mow our lawn. In 1959 people had access and all of a sudden it got blocked off. She had access to 175ft. on one side and 175 ft. on the other side.

Supervisor Coutant was flabbergasted to find that out. Are you the property owner?

Mr. Wolfeil – I live there.

Supervisor – You were not there when this was occurring?

Mr. Wolfeil – I am your neighbor. A local and I am familiar with the area. I am saying we got blocked out and we spent \$1,500 and I want to be paid back. Why should we have to pay it?

Councilperson Freer without coming and speaking in peace you are right it will not go any further.

Mr. Wolfeil thanked Councilperson Freer for coming and meeting with him.

You are in agreement that we had to pay money and we had to pay it through no fault of our own.

Brenda Patenal asked if you would take away our right of way if the road is taken over by the town?

Councilperson Freer looked at it but he questioned what is the actual right of way. Someone with more knowledge and experience than Councilperson Freer would have to look at this.

Councilperson Kyle Barnett asked if you have spoken to an attorney?

Why is the right of way not legal if the town takes over the road.

Councilperson Barnett suggested they speak to a real estate attorney. Generally a right of way or restriction would travel with the property.

Mr. Wolfeil...being we are on the corner and we have a right of way on both sides, before the town takes anything over we want to see the deed before. We need some kind of notice.

Councilperson Barnett – Everything we have is public so just stay in touch with us and you are more than welcome to see everything we have.

Mr. Wolfeil: The house was built prior to 1959? Have you contacted anyone from the Planning Board? Yes, and they told us there is nothing they can do. Two months ago I had an appointment with the Planning Board for a Pre-submission conference but that appointment was cancelled.

Mr. Wolfeil could get back on the schedule for the Pre-submission.

## **1. Winter Wonderland Parade**

On December 14<sup>th</sup> we will have our eighth Winter Wonderland Parade. It will begin at Medrex and go up 9W to Keyser Funeral Home. There is more participation in that parade than any other one we have in town. We have no bad weather. Mark your calendar and come out for the parade, hot chocolate and cookies.

## **2. Resolution – Water Quality Improvement Project Application**

Scenic Hudson has asked the Town Board to approve the following Resolution:

**TOWN OF ESOPUS  
TOWN BOARD  
RESOLUTION – NOV. 21, 2013**

**Water Quality Improvement Project Application: Esopus Meadows Preserve**

**Whereas**, The Scenic Hudson Land Trust, Inc. (Scenic Hudson), having its principle offices at One Civic Center Plaza, Suite 200, Poughkeepsie, New York, is a non-for-profit corporation under New York State law which is exempt from federal income tax under Section 502 ©(3) of the Internal Revenue Code of 1986, as amended, and which, among other things, works to conserve natural lands and open space in the Hudson Valley of New York State for the benefit of the general public;

**Whereas**, Scenic Hudson owns and manages a 96- acre preserve known as the Esopus Meadows Preserve, which is located within the Town of Esopus, Ulster County, New York;

**Whereas,** Esopus Meadows Preserve has provided free public access for passive recreation and educational programming, including hiking, kayaking, and bird-watching, for residents and visitors;

**Whereas,** Emergency access to the Esopus Meadows Preserve water trail sited was disrupted by a road collapse during Hurricane Irene in 2011;

**Whereas,** Scenic Hudson is submitting an application to the New York State Department of Environmental Conservation for a grant under the water quality improvement projects program for a park project at Esopus Meadows Preserve (“Esopus Meadows Preserve – Klyne Esopus Restoration and Road Repair”), a site located within the territorial jurisdiction of this Boar, to restore emergency access, enhance riparian habitat and restore stream connectivity in the Town of Esopus;

**Whereas,** as a requirement under the rules of these programs, Scenic Hudson must obtain the approval/endorsement of the governing body of the municipality in which the project will be located;

**Now, Therefore, Be it Resolved,** the Town Board of the Town of Esopus hereby does approve and endorse the application of Scenic Hudson for a grant under the Department of Environmental Conservation’s water quality improvement projects program for the park project at Esopus Meadows Preserve known as Esopus Meadows Preserve – Klyne Esopus Restoration and Road Repair and located within this community.

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

<b>Supervisor John Coutant</b>	<b>Aye</b>
<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
<b>Councilperson Wayne Freer</b>	<b>Aye</b>
<b>Councilperson Donna McAuley</b>	<b>Aye</b>
<b>Councilperson Kyle Barnett</b>	<b>Aye</b>

**Resolution duly adopted.**

Date of Adoption: November 21, 2013

Certification of Clerk

Dan Sorenson came representing Scenic Hudson to answer any questions about the project. Supervisor Coutant explained they had a road from the end of River Road to the end of their property. In 2011 Hurricane Irene destroyed this road. Scenic Hudson had a vision of what we wanted to replace the road with and we had to wait for a grant to enhance it.

**3. Resolution – Logan Tax Certiorari**

**RESOLUTION TO ACCEPT SETTLEMENT AGREEMENT  
BETWEEN TOWN OF ESOPUS ADV. LOGAN**

**BE IT RESOLVED**, by the Town Board of the Town of Esopus, in the County of Ulster the following:

**WHEREAS**, we have received and reviewed information received from our Attorney regarding a settlement agreement in the amount of \$650,000,

**THEREFORE, BE IT RESOLVED**, that the Town of Esopus Town Board agrees with this figure and authorizes our Attorney to go forward with this agreement.

**Resolution offered by Supervisor John Coutant  
Resolution 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.**

**Certified by: Diane L. McCord  
Date: Nov. 22, 2013**

**4. Resolution – Esopus Justice Court Funding**

Supervisor Coutant Justice Elizabeth Shanley-Manicone has gotten a grant in the amount of \$8,000 for our court system.

**RESOLUTION  
ESOPUS JUSTICE COURT FUNDING  
NOVEMBER 21, 2013**

**WHEREAS**, the Town of Esopus Justice Court has received funding from the New York State Office of Court Administration,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Esopus hereby approves the funding received to be used solely for the Town of Esopus Justice Court.

**Resolution offered by Councilperson Wayne Freer  
Resolution seconded by Councilperson Kyle Barnett**

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

**Resolution duly adopted.**

**5. Town of Esopus – Aleo – Transfer Property**

**A Motion to adopt the resolution that allows the Town of Esopus to transfer property to Dr. Edward L. Aleo was made by Councilperson Kyle Barnett and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.**

**6. Reappointment of Ulster County Planning Board Members**

**A Motion to reappoint Roxanne Pecora to the Ulster County Planning Board and Fred Zimmer as an alternate to the Ulster County Planning Board was made by Councilperson Donna McAuley and seconded by Councilperson Gloria VanVliet. All Town Board Members voted in favor. Motion Carried.**

Both members of the Ulster County Planning Board have received the training status for their respective offices.

**7. Superior Phone systems**

The annual contract for phone service from Superior Phone Systems is due for renewal in the amount of \$1,962.42.

**A Motion to have the Supervisor sign the yearly contract for Superior Phone Service was made by Councilperson Wayne Freer and seconded by Councilperson Kyle Barnett. All Town Board Members voted in favor. Motion Carried.**

**8. Time Magazine – Headless Horseman Hayrides & Haunted House**

Supervisor Coutant explained Esopus is the home of the Headless Horseman and Time Magazine did a full blown article about the operation of this business in Esopus. The Supervisor is proud the Water Chestnut Harvester made history. Our solar panels have made history and now it makes me proud that Mike Jubie and the Headless Horsemen have made history. Thank you Mike Jubie.

**9. Budget Adjustments**

**RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS  
November 21, 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 November 21, 2013

AO 0599.000	Fund Balance	AO 1110.400	Justice Contractual	\$131.23
AO 0599.000	Fund Balance	AO 3510.100	Dogs Personnel	\$380.87
AO 0599.000	Fund Balance	AO 6140.400	Home Relief	\$5,591.40
AO 0599.000	Fund Balance	AO 7110.400	Parks Maintenance cont	\$1,444.99
DA 0599.000	Fund Balance	DA 5130.400	HWY Machinery Cont	\$7485.20

Resolution offered by Councilperson Donna McAuley  
 Resolution 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.

Supervisor Coutant commented Home Relief went up \$5,591.40. Next year we will be in better shape with the Ulster County Legislature paying over sixty percent of our welfare. The unemployment rate is going down but people are falling into the Social Service Dept. and this affects our taxpayers.

#### 10. Payment of Vouchers

#### 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	131516 - 131572	\$ 40,183.51
Highway Fund	132239 - 132261	\$ 49,888.20
Street Lighting	136011	\$ 10,722.14

Port Ewen Sewer Fund 133149 - 133165	\$ 10,629.42
Port Ewen Water Fund 134268 - 134299	\$ 22,806.58
Total.....	\$134,229.85

Resolution offered by Councilperson Kyle Barnett  
Resolution seconded by Councilperson Wayne Freer

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 Minutes of the Town Board since our last approval was made by Councilperson Gloria VanVliet and seconded by Councilperson Kyle Barnett. All Town Board Members voted in favor. Motion Carried.

**12. Communications and Reports of Officials and Boards**

The following communications and reports of officials and Boards have been received and are on file in the Town Clerk’s Office:

- Communications for November 2013
- Town Board Minutes dated 10/17/2013
- Town Clerk Report for October 2013
- Building Dept. Report dated October 2013
- Waterfront Advisory Board Minutes dated Oct. 22, 2013
- Port Ewen Water & Sewer Minutes dated November 12, 2013
- Town Board Workshop Minutes dated November 4, 2013
- Assessor’s Report dated November 18, 2013
- Planning Board Minutes dated October 9, 2013
- Public Hearing Minutes on 2013 Budget dated Nov. 12, 2013
- Public Hearing on Local Law No. 2 dated November 12, 2013
- Town Board Budget Mtg. Discussion dated November 12, 2013

**A Motion to adjourn the meeting was made 8:34 PM by Councilperson Donna McAuley and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.**

**Respectfully submitted,**

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