

## TOWN BOARD WORKSHOP MEETING

**April 3, 2018**

A regularly scheduled Town Board Meeting was held on Tuesday, April 3, 2018 in the Town Hall, 284 Broadway, Ulster Park, NY with the following persons in attendance:

**Supervisor Shannon Harris**  
**Councilperson Gloria Van Vliet**  
**Councilperson Jared Geuss**  
**Councilperson Kathie Quick - Absent**  
**Councilperson Chris Farrell**

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

**Supervisor Shannon Harris called the Meeting to order at 7:00 PM.**

**PUBLIC COMMENT – NONE**

### **UPDATES & ANNOUNCEMENTS:**

- **Esopus is hiring part-time positions:** Confidential Executive and Community Development and Outreach Coordinator. Visit [www.Esopus.com](http://www.Esopus.com) for detailed job descriptions.
- **Special event:** The County Executive and the Office of Economic Development are coming 4/4/18 to deliver a workshop to help local businesses 5:30-7:30pm here at Town Hall Upstairs.
- **Opening Day Picnic:** Kingston Cal Ripken and Babe Ruth Youth Baseball and Softball April 28<sup>th</sup> 11 AM-1 PM at the Armory Complex. The League will be using Ross Park fields for 4-8 year old players ONLY, April 3<sup>rd</sup> – June 15<sup>th</sup>. Councilperson Jared Guess said 19 % of the league is Esopus residents. The Cal Ripken league will maintain the dirt, paint, bathrooms, etc.
- **Grand Opening of the Little Free Library** at Cas Landi Recreation Park on Sunday, June 10<sup>th</sup> at 12:30 PM. Thanks to Girl Scout Troop 60162 and St. Remy Firehouse.
- Annual Financial Report for the Town of Esopus was reviewed by Shannon Harris, Supervisor. A copy is available for review in the Town Clerk's office.

### **Bid Award – Highway Dump Truck**

The Town is hereby announcing the bid award for the 2015 Highway dump truck purchase. The Town Clerk has duly provided notice in the Freeman per public notice requirements set by law.

**TOWN OF ESOPUS**  
**RESOLUTION AWARDING BID CONTRACT**  
**FOR HIGHWAY TRUCK**

**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, Highway Department advertised and received bids for a NEW 2015 model tandem axle cab and chassis with a new 17'6" dump body, all as per specifications, form annexed;

**WHEREAS**, bids were received and opened at the office of the Town of Esopus, Town Clerk, on Wednesday, March 28, 2018, at 11am and closed at 11:02 am.

**WHEREAS**, the sole bid received was in the amount of \$135,920.00 from Ben Funk, Inc.

**THEREFORE, BE IT RESOLVED**, that the Town of Esopus Town Board award the bid to Ben Funk, Inc.

**Resolution offered by:** Councilperson Jared Geuss  
**Resolution seconded by:** Councilperson Chris Farrell

The Board was polled:

<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>Absent</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.**

• **CPC Meetings – Jared Geuss**

Fri April 13 "Community bus tour." Tour 9:30 AM-12:30 PM / Lunch 12:30-1:30 PM / CPC meeting 1:30-3:00 PM. Town Hall Upstairs.

Wed April 25 "Focus group roundtables" at CPC meeting 4-5 PM / Dinner & conversation 5-6 PM / Focus group meetings 6-8 PM PE Fire Dept.

**Sat May 5** Public Meeting Pt. 1 “Community feedback and visioning session open house” 9 AM-3 PM Breakfast 8-9:30 AM and Box lunch 12-1:30 PM provided. Upstairs Town Hall.

**Thu May 17** CPC meeting 5-7 PM to review feedback from public and get planner insights. Town Hall Lower Level Community Room.

**Thu May 24** Public Meeting Pt. 2 “Community charrette to identify focus areas for Esopus” 4-8 PM public charrette on redevelopment/improvement areas. Planner will create conceptual map of locations identified as priorities. Town Hall Upstairs.

**Thu June 7** Planner circulates draft plan to CPC and focus/steering group by email.

**Thu June 14** CPC meeting 5-7 PM to wrap up feedback, plan June 21 and set schedule for public approvals. Town Hall Upstairs.

**Thu June 21** Public Meeting Pt. 3 “Community reviews plan recommendations and next steps”, 5-7 PM with press invited and announcement of public approval schedule. Town Hall Upstairs.

**Building & Grounds – Dan Vedder, Director of Buildings & Grounds**

Dan had previously interviewed candidates for the seasonal positions for parks and recreation. Dan made the recommendation to hire Brendan Reilly and Ed Clark to fill those positions. They will work a 40 hour workweek and cover the parks on the weekend. The season is typically April – Halloween/Thanksgiving, depending on the weather. Dan would like them to start April 4, 2018.

**TOWN OF ESOPUS TOWN BOARD RESOLUTION**  
**AUTHORIZING THE HIRING OF SEASONAL**  
**PARK AND RECREATION MAINTENANCE EMPLOYEES FOR 2018**

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 Town Board wishes to hire Brendan Reilly and Edward Clark Jr. as seasonal Park and Recreation Maintenance employees at the rate of \$12.00 per hour,

**THEREFORE, BE IT RESOLVED**, the Town of Esopus Town Board approves the hiring of Brendan Reilly and Edward Clark as seasonal Park and Recreation Maintenance staff for \$12.00 per hour, effective April 4, 2018.

**Resolution offered by: Councilperson Jared Geuss**  
**Resolution seconded by: Councilperson Chris Farrell**

The Board was polled:

<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>Absent</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.**

Dan said the parks need updating and would like to see funding in the budget to get the improvements made. Ross Park – remove ice rink and plant grass, building and bathrooms by basketball courts need to be updated. Dan would also like to replace the fencing around the tennis court and along the roadside at Cas Landi Park in St. Remy. The Board suggested he make a list prioritizing needs and develop revitalization phases for budgeting purposes. Legislator Petite said there may be grant opportunities, which will be available May – July.

**Transfer Station – Lenny Liberta, Contractor**

The contract with Liberta Bros. Inc. is expiring April 30, 2018. There is an option to extend the contract for 5 years. The contract will be reviewed and follow up will be made with Attorney Paul Kellar.

Lenny continues to review the charges implemented at other local transfer stations. He feels our prices are in line and no changes to the prices are needed at this time. He continues to look for ways to increase the number of patrons using the transfer station to increase revenue. Lenny would like the Board to consider selling permits to non residents although, he said prior Boards shot the idea down. The concerns at that time were; people felt it was unfair to residents, who do not use the Transfer Station, to have to supplement the operation. Recyclables cost money to haul, therefore increased fees for non residents would need to be reviewed. Laura Petit suggested they limit the recyclables to a cubic yard per week as they do in New Paltz. Many people purchase a daily pass in New Paltz. Lenny will also be canvassing the current customers to get feedback on being open on Sundays and operating Wednesday – Sunday instead of Tuesday - Saturday. He suggested implementing a fee to patrons that did not recycle. Laura Petit said New Paltz charges a \$20 contamination fee for offenders.

Lenny said in the past Andrew Bicking and the Boy Scouts came to help educate patrons on recycling. He was hoping once the weather improves he could have them participate again. The roof over the second box has been approved. This has cut down on water entering the box and increasing the hauling charges.

Town Clerk, Holly Netter, has been working on getting internet at the Transfer Station and equipment to improve the credit card sales process. She anticipates it will be complete by the end of the week.

Lenny also would like to purchase a movable sign for \$80 to promote the Transfer Station.

**NEW BUSINESS:**

**Hudson River Drinking Water Inter-Municipal Council Memorandum of Agreement**

The seven (7) municipalities have been meeting throughout 2017 into 2018 and formulated the resulting Agreement to form an Inter-Municipal Council to explore mutually beneficial ways of sharing information and resources to protect and improve water quality in the Hudson River Estuary and its tributaries. The Council will meet on May 24th to approve the signing of the Hudson River Drinking Water Inter-Municipal Council Memorandum of Agreement to continue the partnership with the seven municipalities in order to protect, conserve, and enhance the quality of drinking water from the Hudson River. The Town of Esopus had a public workshop on March 5, 2018 where details of the MOA, how it came about and intentions to join were discussed in detail. Participants supported the initiative. There is no cost to the Town to join.

**TOWN OF ESOPUS RESOLUTION**

**AUTHORIZING SUPERVISOR TO EXECUTE AN INTER-MUNICIPAL AGREEMENT**

**BE IT RESOLVED**, by the Town Board of the Town of Esopus, in the County of Ulster, State of New York does hereby authorize the Supervisor to execute an Inter-Municipal Agreement regarding the participation by the Town of Esopus in the Hudson River Drinking Water Inter-Municipal Council, in substantially the form annexed, and

**THEREFORE, BE IT RESOLVED**, that the execution of said Inter-Municipal Agreement is part of the ongoing administration of the Town’s affairs requiring no SEQRA review.

**OFFERED BY :** COUNCILPERSON CHRIS FARRELL  
**SECONDED BY:** COUNCILPERSON GLORIA VAN VLIET.

The Board was polled:

Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	Absent
Councilperson Chris Farrell	AYE
Supervisor Shannon Harris	AYE

**ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**BQ Energy Solar Lease Real Property Public Referendum**

The Board previously approved BQ aka West Shore Solar to lease Town property above the old landfill at the Transfer Station to expand the solar array. The agreement included a \$10,000 fee paid by BQ to the Town upon execution of the agreement with an additional sum of \$10,000 on the first and second anniversary of the execution of the agreement. When completed, the lease rate of \$26,500 per year with an increase of 2% from the effective date of the lease will be paid to the Town for use of the property to develop a 2-megawatt solar field that will generate enough energy to provide savings to Vassar College and residents of the Town. As a next step in the sequence of fulfilling the Town’s obligation per the agreement, the Town’s attorney, Paul Kellar, instructed that leasing Town property requires a Public Referendum.

**TOWN OF ESOPUS RESOLUTION AUTHORIZING THE TOWN OF ESOPUS TO ENTER INTO AN  
OPTION TO LEASE  
REAL PROPERTY SUBJECT TO A PERMISSIVE REFERENDUM**

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

**WHERE AS**, the Town of Esopus owns certain real property situated at 70 West Shore Drive, West Park, New York containing approximately 35 acres of land more or less; and

**WHERE AS**, the Town Board for the Town of Esopus has determined that said real property which was formerly the Town of Esopus Landfill is not needed for municipal purposes; and

**WHERE AS**, West Shore Solar LLC wishes to enter into an Option Agreement to plan, finance, develop, design, build, own and operate a renewable energy storage generation and distribution system on said real property; and

**WHERE AS**, West Shore Solar has agreed to pay to the Town of Esopus the sum of \$10,000.00 upon executing the Option Agreement and additional sums of \$10,000.00 on the first and second anniversary of the execution of the Option Agreement and further that if West Shore Solar elects to exercise its option to lease said premises, it shall pay to the Town of Esopus the sum of \$26,500.00 per year during the first year of said lease.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Esopus Town Board, at a regular session, thereof duly conveyed does hereby authorize and direct the Supervisor of the Town of Esopus to execute the Option to Lease Agreement for the aforesaid real property subject to a permissive referendum as permitted by law.

**Resolution offered by: Councilperson Gloria Van Vliet**  
**Seconded by: Councilperson Chris Farrell**

The Board was polled:

<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>Absent</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.**

**Cablevision of Wappingers Falls, Inc., (Altice USA)**

The draft agreement was sent to the Town and discussed by the Board. We considered this agreement and met with Dan Ahouse at our last workshop meeting. Our attorney, Paul Kellar, reviewed the agreement and submitted a Letter of Recommended updates to the Town. This information was forwarded to Dan Ahouse, Senior Director, Government Affairs. A copy of the resulting redlined document is attached reflecting attorney Kellar's amends.

**A MOTION WAS MADE BY COUNCILPERSON JARED GUESS AND SECONDED BY SUPERVISOR HARRIS TO SET A PUBLIC HEARING DATE FOR THURSDAY, APRIL 19, 2018, 7PM.** Town Clerk Holly Netter will publicize the Notice of Public Hearing in the Daily Freeman.

**Charter Communications, Albany, NY (Time Warner Cable aka Spectrum aka Northeast, LLC)**

The Charter Communications, Albany, NY (Time Warner Cable aka Spectrum aka Northeast, LLC) franchise agreement was originally introduced at the September 2017 Board Meeting. The draft agreement was received from Kevin Egan, Director of Government Affairs for Charter Communications, when Spectrum was introduced as replacing Time Warner Cable. On October 5<sup>th</sup> Supervisor McCord reached out to Tim Weidemann, Senior Economic Developer in the UC Executive's Office. Mr. Weidemann drafted comments and referred the Town to Carol McTague of the New York Public Service Commission for further review/instruction. A December 6, 2017 meeting was scheduled between Diane McCord, Wayne Freer, Brian Barnes of TV23 and Kevin Egan to discuss items to be included in NEW Contract.

Supervisor Harris forwarded the Draft Franchise Agreement received by the Town in September 2017 to attorney Paul Kellar for review. Supervisor Harris contacted Kevin Egan to provide our attorney's recommendations and identified areas under consideration by the Town Board. These are: Potential to enact a franchise fee, equipment for public access channel and extending infrastructure to enable Wi-Fi access at the Transfer Station. It was

noted that the Public Service Commission requires that all Franchises within the same municipality have similar agreements.

Considerations for franchise: There are 2,511 subscribers in Esopus. Subscribers pay on average \$60-80 per month for television cable. PSC guidelines are 0-5% fee. Surrounding municipalities carry a 2-3% franchise fee.

**Lower**

60 x 1.5% franchise --  $.015 \times 2511 = 1,506$  (27k)  
60 x 2% franchise --  $1.20 \times 2511 = 3,013.20$  (36k)  
60 x 3% franchise --  $1.80 \times 2511 = 4,519.80$  (54k)

**Higher**

80 x 1.5% franchise --  $.015 \times 2511 = 3,013$  (36k)  
80 x 2% franchise --  $1.60 \times 2511 = 4,017.60$  (48k)  
80 x 3% franchise --  $2.40 \times 2511 = 6,026.40$  (72k)

Brian Barnes, volunteer for the public access channel, said Hurley and Esopus were the only Towns who did not charge a franchise fee. Spectrum is promoting broadband for all by 2020. Their current contract reads service would be provided to homes 150 ft. off the road. Brian said there needs to be consistency throughout the County and he believed some towns have been extended to 300 ft. Councilperson Van Vliet said she had been against the franchise fee in the past because she felt it was a form of hidden tax. Councilperson Chris Farrell suggested we ask for a Franchise Fee not passed onto the consumer but paid by Spectrum to do business in the Town. Councilperson Geuss said they will keep Brian and Tim Wiedeman in the loop through this process. Brian provided the Board with a list of items needed for the public access service. Grant opportunities will be explored.

\*\* Once the contract has been negotiated and a final copy has been received, a public hearing will be set.

**Retainer with Roemer Wallens Gold & Mineaux LLP legal firm**

Given that the Town has a collective bargaining agreement with its Highway and Water and Sewer Departments, the need has arisen to establish a relationship between an attorney who specializes in the legalities of union contracts. There are a limited number of law firms with this specialty. Matthew Ryan of Roemer Wallens Gold and Mineaux LLP, who represented the Town in the most recent union contract negotiations, has been consulted. Attorney Matthew Ryan provided his legal opinion in a recent matter related to health insurance benefits entitled by retired Town employees. So that Mr. Ryan can be compensated for his professional services, it is recommended that the Town sign the limited scope retainer outlining agreed fee rates, billing and payment schedule, withdrawal policy and the records retention policies in relation to this matter.

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO AUTHORIZE THE SUPERVISOR TO SIGN THE LIMITED RETAINER CONTRACT WITH ROEMER-WALLENS & MINEAUZ, LLP, MATTHEW RYAN, ESQ. TO DO BUSINESS ON AN HOURLY FEE ONLY BASIS REPRESENTING THE TOWN AT AN HOURLY RATE OF \$250.00 FOR PARTNER TIME AND \$190.00 FOR LEGAL ASSOCIATE TIME. THE RATE FOR PARTNER WILL BE INCREASING TO \$260.00 PER HOUR AND FOR AN ASSOCIATE TO \$200.00 EFFECTIVE JULY 1, 2018. HOURLY**

**CHARGES SHALL INCLUDE ALL LEGAL RESEARCH, ANALYSIS AND ATTENDANCE AT MEETINGS AT THE TOWN'S REQUEST. THE MOTION WAS SECONDED BY SUPERVISOR SHANNON HARRIS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**Marshall & Sterling's bid process for group retiree health care plans**

Pursuant to Matthew Ryan's recommendation to explore options for the Town to obtain and provide a substantially similar Medicare supplemental plan that is accepted nationally, our agent at broker Marshall & Sterling requested bids from all available Medicare supplemental retiree health insurance companies as required by Article 9 Section D (2) of the 2015-2016 Collective Bargaining Agreement. Broker Minnie McCombes-Fogden, Marshall & Sterling, Employer Group Benefits had identified three options for the Town Board's consideration:

- United Healthcare Medical Supplement
- AARP MedicareRX Preferred (PDP) Supplement
- The Hartford Medicare Supplement Coverage

Many companies didn't want to bid because our number of retirees is too small. Councilperson Farrell suggested Supervisor Harris talk to the other Towns to see if they could form a Retiree Consortium to get a better rate.

After discussion, the Board determined they would select the supplemental insurance plan which best meets the Town's needs during the regular insurance review period and continue with the existing company until the end of the year.

**A MOTION WAS MADE BY SUPERVISOR HARRIS TO ADJOURN THE MEETING AT 8:50 pm. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMEBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

Respectively Submitted,

Holly A. Netter  
Town Clerk, RMC