

**Continuation of Public Hearing on the  
5/21/19 Draft Comprehensive Plan  
July 9, 2019**

<b>Supervisor Shannon Harris</b>	<b>Absent</b>
<b>Councilperson Gloria Van Vliet</b>	
<b>Councilperson Jared Geuss</b>	
<b>Councilperson Kathie Quick</b>	
<b>Councilperson Chris Farrell</b>	

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

**Deputy Supervisor Kathie Quick made a motion to continue the Public Hearing for the 5/21/19 Draft Comprehensive Plan at 7:00 PM. The motion was seconded by Councilperson Chris Farrell. All members present were in favor. Motion carried.**

**PUBLIC COMMENT – None**

**A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO CLOSE THE PUBLIC HEARING AT 7:01PM. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**TOWN BOARD WORKSHOP MEETING July 9, 2019**

A regularly scheduled Town Board Workshop Meeting was held on Tuesday, July 9, 2019 in the Town Hall, 284 Broadway, Ulster Park, NY with the following persons in attendance:

<b>Supervisor Shannon Harris</b>	<b>Absent</b>
<b>Councilperson Gloria Van Vliet</b>	
<b>Councilperson Jared Geuss</b>	
<b>Councilperson Kathie Quick</b>	
<b>Councilperson Chris Farrell</b>	

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

**A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO OPEN THE REGULARLY SCHEDULED MEETING AT 7:01 PM. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**PUBLIC COMMENT**

**Stephanie Osterhoudt** voiced her concerns of the current condition of the Pleasant View Cemetery. The cemetery had been previously turned over to the town and is overgrown. There are also holes that need to be filled in which have caused some stones to fall over. Animals may be the cause of the holes.

This matter will be brought to Dan Vedder's attention. Councilperson Chris Farrell suggested using the individuals from the community services program that help the town once a month. He also said the work crew has a stand behind weed wacker that may be helpful. If Dan can get a load of dirt down to the area, the workers can fill in the holes. Everyone realized Dan is short staffed and the holes may need to be addressed in the fall.

**George Post** also commented that he would like to be notified when it was cut because the American Legion would see that the veterans had flags on their graves. This past Memorial Day the grass was too high for them to get back to distribute the flags.

**RESOLUTION**  
**ADOPTING A NEGATIVE DECLARATION UNDER THE**  
**STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)**  
**FOR THE ADOPTION OF THE TOWN OF ESOPUS COMPREHENSIVE PLAN 2019**

**WHEREAS**, a Comprehensive Plan is a statutorily recognized document under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

**WHEREAS**, the Town of Esopus Town Board identified the need to review and update their existing 1994 Comprehensive Plan to properly plan for growth and development in Town; and

**WHEREAS**, the Town Board assigned the task of reviewing and updating the 1994 Plan to the Town of Esopus Comprehensive Plan Committee (CPC); and

**WHEREAS**, the CPC conducted a detailed planning process to update the 1994 Comprehensive Plan which included a full inventory and analysis of the Town’s waterfront, natural and environmental, economic, housing, demographic, cultural, and historic resources, along with soliciting input from the community via two surveys, open house events, workshops, and stakeholder meetings; and

**WHEREAS**, the CPC prepared a draft Comprehensive Plan dated January 31, 2019, which included three (3) Appendices, and conducted a public hearing on March 6, 2019, pursuant to Town Law §272-a and accepted public and agency comments over a 30-day public comment period; and

**WHEREAS**, subsequent to the March 6, 2019 public hearing and 30-day public comment period, and at the request of the Hamlets of Rifton and Esopus, the CPC conducted a public meeting on April 8, 2019 in the Hamlet of Rifton and a public meeting on April 24, 2019 in the Hamlet of Esopus for the purposes of obtaining additional hamlet-specific input on the January 31, 2019 Comprehensive Plan; and

**WHEREAS**, the CPC revised the draft Comprehensive Plan based on public and agency comments and submitted the revised Comprehensive Plan dated May 21, 2019, officially referred to as the Town of Esopus Comprehensive Plan 2019 (the “2019 Plan”) to the Town Board on May 31, 2019 for their consideration; and

**WHEREAS**, the Town Board received the 2019 Plan, and on June 4, 2019 scheduled a public hearing for June 18, 2019 and made said Plan available for public review at the Town Hall, on the Town of Esopus Website and at the Esopus Public Library; and

**WHEREAS**, the Town Board held a properly noticed public hearing on June 18, 2019, pursuant to Town Law §272-a, during which it was announced that Land Use Recommendations #11 through #46 in the Implementation Matrix were inadvertently omitted from the May 21, 2019 Draft and therefore decided to hold the public hearing open through July 9, 2019 to ensure the public and Town Board had the complete 2019 Plan for review; and

**WHEREAS**, a corrected version of the 2019 Plan was provided to the Town Board and made available to the public in the aforementioned locations on June 18, 2019; and

**WHEREAS**, the Town Board continued the public hearing on July 9, 2019 to accept comments on the corrected 2019 Plan, after which the Town Board closed said public hearing; and

**WHEREAS**, on June 4, 2019, the Town Board declared itself as Lead Agency for the purposes of adopting the 2019 Plan (the “Proposed Action”) pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4; and

**WHEREAS**, on June 4, 2019, the Town Board, acting as the Lead Agency confirmed the Proposed Action as a Type I Action, pursuant to SEQRA; and

**WHEREAS**, the Town Board has reviewed Parts 1, 2 and 3 of the Full Environmental Assessment Form (FEAF), and discussed and set forth the following:

1. The 2019 Plan is a guidance document for future decision making and makes recommendations on ways the Town can maintain its environment which includes waterfront, recreational, historic, agricultural, sensitive environmental and cultural areas, it’s rural hamlet and small-town character, open spaces, clean water, clean air, and related natural resources while allowing for future growth and development consistent with the Town’s environmental setting. The 2019 Plan establishes that these features are primary components of the community and a critical part of the environment in the Town of Esopus.
2. The adoption of the 2019 Plan will positively assist the Town of Esopus and will not result in adverse impacts. The 2019 Plan will aid the Town in reaching goals of maintaining its open space, rural, scenic, natural and protected landscapes and resources, and protecting the environment through a variety of programs, projects, capital improvements, future studies and updating or establishment of new land use policies and regulations.
3. The 2019 Plan recognizes the need to protect natural resources, features and sensitive environmental areas and establishes recommendations to protect those features.

4. The 2019 Plan includes an inventory of natural and environmental resources and recommends future actions to protect those resources.
5. The 2019 Plan was developed with significant public input throughout the process.
6. The intent of the 2019 Plan is to promote the safety, health, and well-being of the residents of the Town, and to protect and enhance the Town’s natural environment and character while simultaneously promoting growth and economic development.
7. The 2019 Plan promotes renewable and efficient use of energy.
8. It is recognized that growth will continue to influence the environment in the Town, but the 2019 Plan is oriented to help manage development in a manner which reduces impacts to the environment. The Town finds that the 2019 Plan offers mechanisms to reduce environmental impacts compared to conditions that would occur if no plan was adopted.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Esopus Town Board, acting as Lead Agency, hereby declares that the Town of Esopus Comprehensive Plan 2019, described herein will not have any significant adverse environmental impacts, and that an environmental impact statement will not be required; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes filing of a negative declaration (FEAF Part 3, attached hereto) and a notice in the Environmental Notice Bulletin, according to SEQRA 6 NYCRR Part 617.

**OFFERED BY:** Councilperson Jared Geuss  
**SECONDED BY:** Councilperson Kathie Quick

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

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

**2019 Comprehensive Plan – Matt Rogers Laberge**

Councilperson Kathy Quick said the Town Board received a letter from the Town of Esopus Planning Board dated June 26, 2019, requesting a revision to Recommendation LU – 45 and the addition of two new recommendations related to updating Chapter 123 Zoning, of the

Town Code. The Town Board appreciates the Planning Board's contribution to the preparation of the Comprehensive Plan and these most recent suggested edits.

Upon review of the June 26, 2019 Planning Board letter, it was determined that the suggested revision to LU-45 changes the Town Board's desired intent of the recommendation which is to seek land use regulation updates that support the Comprehensive Plan's desired vision for community character and economic development, therefore, LU -45 will remain as currently written .

The two new recommendations proposed by the Planning Board relate to updating Chapter 123 Zoning: *Attachment 1 – Schedule of Permitted Uses* and ensuring the resulting updated Town land use regulations can be easily administered to reflect best practices and implement the Town's vision, goals and objectives. The Town Board considers the Comprehensive Plan's Future Land Use and Regulatory Authority Recommendations as sufficient and adequately addresses these two recommendations. In addition, the Town Board acknowledges that the imminent update to the Town's land use regulations will involve a full review and update of the Schedule of Permitted Uses and definitions and that the revised regulations will be clear and concise and will assist in implementing the Town's vision, goals and objectives. It is therefore not necessary to revise the 2019 Plan further.

## RESOLUTION

### ADOPTION OF THE TOWN OF ESOPUS COMPREHENSIVE PLAN 2019

July 9, 2019

**WHEREAS**, a Comprehensive Plan is a statutorily recognized document under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

**WHEREAS**, the Town of Esopus Town Board identified the need to review and update their existing 1994 Comprehensive Plan to properly plan for growth and development in Town; and

**WHEREAS**, the Town Board assigned the task of reviewing and updating the 1994 Plan to the Town of Esopus Comprehensive Plan Committee (CPC); and

**WHEREAS**, the CPC conducted a detailed planning process to update the 1994 Comprehensive Plan which included a full inventory and analysis of the Town's waterfront, natural and environmental, economic, housing, demographic, cultural, and historic resources, along with soliciting input from the community via two surveys, open house events, workshops, and stakeholder meetings; and

**WHEREAS**, the CPC prepared a draft Comprehensive Plan dated January 31, 2019, which included three (3) Appendices, and conducted a public hearing on March 6, 2019, pursuant to Town Law §272-a and accepted public and agency comments over a 30-day public comment period; and

**WHEREAS**, subsequent to the March 6, 2019 public hearing and 30-day public comment period, and at the request of the Hamlets of Rifton and Esopus, the CPC conducted a public meeting on April 8, 2019 in the Hamlet of Rifton and a public meeting on April 24, 2019 in the Hamlet of Esopus for the purposes of obtaining additional hamlet-specific input on the January 31, 2019 Comprehensive Plan; and

**WHEREAS**, the January 31, 2019 Draft Plan was submitted to the UCPB pursuant to applicable standards of New York State General Municipal Law §239-m, based on which, the UCPB issued an April 3, 2019 letter (made part of this Resolution by reference) which included Advisory Comments recommending the Town consider a site specific/form-based approach to set a vision for key sites with development potential and encouraged the Town to utilize the Ulster County Community Design Manual when preparing design standards/guidelines; and

**WHEREAS**, the UCPB's April 3, 2019 letter also included one (1) Required Modification that the Town include a recommendation to prepare an open space plan for the purposes of protecting the Town's interconnected open spaces, key habitat areas and migratory corridors; and

**WHEREAS**, the CPC revised the January 31, 2019 Plan incorporating UCPB's Required Modification and CPC-approved public and agency comments received during the 30-day comment period and from the Hamlet of Rifton and Esopus meetings; and

**WHEREAS**, the CPC submitted the revised Comprehensive Plan dated May 21, 2019, officially referred to as the Town of Esopus Comprehensive Plan 2019 (the "2019 Plan") to the Town Board on May 31, 2019 for their consideration; and

**WHEREAS**, the Town Board submitted the 2019 Plan to the UCPB for a second review;

**WHEREAS**, the UCPB completed their review of the 2019 Plan and issued a letter to the Town Board dated June 5, 2019 (made part of this Resolution by reference) which included the two (2) Advisory Comments identified in their April 3, 2019 letter along with three (3) additional Advisory Comments related to nonconforming uses, allowable uses and a suggestion to increase the efficiency of local project reviews through the use of gateway meetings which bring together key players early in the project review process; and

**WHEREAS**, through this Resolution, the Town Board acknowledges UCPB's Advisory Comments provided in both the April 3 and June 5, 2019 letters and will take them into consideration during a subsequent update of the Town of Esopus land use regulations; and

**WHEREAS**, on June 4, 2019 the Town Board scheduled a public hearing for June 18, 2019 and made the 2019 Plan available for public review at the Town Hall, on the Town of Esopus Website and at the Esopus Public Library; and

**WHEREAS**, the Town Board held a properly noticed public hearing on June 18, 2019, pursuant to Town Law §272-a, during which it was announced that Land Use Recommendations #11 through #46 in the Implementation Matrix were inadvertently omitted from the May 21, 2019 Draft and therefore decided to hold the public hearing open through July 9, 2019 to ensure the public and Town Board had the complete 2019 Plan for review; and

**WHEREAS**, a corrected version of the 2019 Plan was provided to the Town Board and made available to the public in the aforementioned locations on June 18, 2019; and

**WHEREAS**, the Town Board continued the public hearing on July 9, 2019 to accept comments on the corrected 2019 Plan, after which the Town Board closed said public hearing; and

**WHEREAS**, on July 9, 2019, acting as Lead Agency, the Town Board determined that the 2019 Plan described herein will not have adverse environmental impacts, and determined that an environmental impact statement will not be required through the issuance of a Negative Declaration, pursuant to 6 NYCRR Part 617 (made part of this resolution by reference); and

**WHEREAS**, the Town Board received a letter from the Town of Esopus Planning Board dated June 26, 2019 requesting a revision to Recommendation LU-45 and the addition of two recommendations related to updating Chapter 123 Zoning, of the Town Code; and

**WHEREAS**, upon review of the June 26, 2019 Planning Board letter, the Town Board has determined that the recommended revision and the two new recommendations will be taken into consideration during the Town's zoning update process and it is not necessary to revise the 2019 Plan; and

**WHEREAS**, upon review of the 2019 Plan, the Town Board seeks to make a non-material revision to Recommendations ED-7 and LU-9, incorporating references to the former Kosco Oil site, a suspected brownfield site, and State Superfund Site Hercules Powder Co./Dyno-Nobel, and said revision are substantially the same as the prior version of the 2019 Plan; and

**WHEREAS**, upon due deliberation and taking into consideration all public and agency comments, the Town Board intends to adopt the Town of Esopus Comprehensive Plan 2019, as revised, complete with three (3) Appendices, dated May 21, 2019.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK:**

That the Town Board hereby determines that the Town of Esopus Comprehensive Plan 2019 and three (3) Appendices dated May 21, 2019, are hereby adopted as the Town of Esopus Comprehensive Plan 2019; and

That the Town Board shall file a final copy of the Town of Esopus Comprehensive Plan 2019 with the Town of Esopus Town Clerk and with the UCPB as required in Town Law §272-a; and

That the Town Board shall cause a full copy of the adopted Comprehensive Plan including all associated documents and maps included in the Appendices be placed and maintained to be accessible on the Town website

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

<b>Councilperson Gloria Van Vliet</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>ABSENT</b>

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

Thanks and praise was given to Councilperson Geuss, Supervisor Harris and everyone who worked so hard on this monumental task.

**ZONING UPDATE COMPREHENSIVE PLAN**

**A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO APPROVE SIGNING ADDENDUM NO. 2019-05 WITH LABERGE GROUP TO BE THE PRIMARY ADVISER FOR THE LAND USE REGULATIONS UPDATE FOLLOWING THE ADOPTION OF THE COMPREHENSIVE PLAN IN THE AMOUNT OF \$40,000. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

\*\* A committee of 8-12 people will need to be selected for the zoning and land use update. There will also be many public meetings regarding this.

**BARD COLLEGE TO DEVELOP NATURAL RESOURCE INVENTORY FOR TOWN OF ESOPUS**

Bard College is looking for approval to sign a Letter of Support for a Natural Resource Inventory for Esopus; a town-wide GIS-based natural resource inventory and resource map. The proposed work would be completed by Bard College students under the guidance of Bard instructor Susan Winchell-Sweeney. The project was recommended to Bard by the DEC and would only move forward if fully funded by the DEC Hudson River Estuary grant program.

**A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO APPROVE THE SIGNING OF THE LETTER OF SUPPORT FOR THE NATURAL RESOURCE INVENTORY FOR ESOPUS. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**CFA GRANT APPLICATION FOR STORMWATER DRAINAGE FUNDING – DAN VALENTINE, TIGHE & BOND**

**A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO APPROVE TIGHE AND BOND PREPARING THE APPLICATION FOR FUNDING OF THE NYS WATER QUALITY IMPROVEMENT PROJECT (WQIP) FOR THE TOWN OF ESOPUS WATER MAPPING FINANCIAL ASSISTANCE .THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**HUDSON 7**

**ESOPUS TOWN BOARD RESOLUTION**  
**For Hudson 7 Strategic Plan**  
**to Protect Hudson River Drinking Water**

**WHEREAS:** The Hudson River Drinking Water Intermunicipal Council (Hudson 7) represents seven municipalities that draw drinking water from the Hudson River. They are: Town of Esopus, Town of Hyde Park, Town of Lloyd, Town and City of Poughkeepsie, Town and Village of Rhinebeck.

**WHEREAS:** The Hudson 7 formed on May 31<sup>st</sup>, 2018 to join forces to protect the collective drinking water supply that serves over 100,000 people through planning, advocacy and action.

**WHEREAS:** After a year of regular monthly meetings, are ready to build on their successful Hudson 7 partnership by hiring a coordinator who can provide structural and educational support to the group, act as a liaison with source water protection planning process, and produce a strategic plan for the next five years to help to implement source water protection and infrastructure goals.

**WHEREAS:** The coordinator's work plan will be in part to: Coordinate logistics for monthly meetings, work toward drinking source water protection plan; Increase capacity of H& membership through education on key Hudson 7 issues (e.g. by organizing speakers for meetings) such as risk of spills, pollution sources in watershed, land use planning to reduce future pollution, protection of streams and wetlands; Increase capacity of H7 organization by maintaining and strengthening membership and structure; Assisting in research and outreach on timely issues; Engaging additional partners; Produce a 5-year strategic plan that integrates both source water protection priorities and drinking water protection priorities and drinking water infrastructure needs and to form basis for direct action or grant proposals.

**WHEREAS:** The grant request will be made through the Department of Environmental Conservation (DEC) Hudson River Estuary Program (HREP) in the amount of \$50,000 to pay a coordinator for two years (\$25,000 per year, approximately 10 hrs/week) as an initial investment.

**WHEREAS:** The Village of Rhinebeck has agreed to submit the grant application on behalf of the Hudson 7 with a deadline of July 10, 2019.

**NOW THEREFORE BE IT RESOLVED:** That we as representatives of the Town of Esopus in Ulster County support the "Hudson 7 Strategic Plan to Protect Hudson River Drinking Water" grant

application and commit at least \$550 per year (in funds or in-kind) for two years (\$1,100 total) as the local match to the grant.

**OFFERED BY:** Councilperson Kathie Quick  
**SECONDED BY:** Councilperson Chris Farrell

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

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

**A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE SIGNING OF LETTERS OF SUPPORT FOR THE HUDSON 7 STRATEGIC PLAN TO PROTECT THE HUDSON RIVER DRINKING WATER TO FRAN DUNWELL AND TO ANDREW PECK TO CONTINUE SUPPORT FOR THE CLIMATE SMART RESILIENCY PLANNING. THE MOTION WAS SECONDED BY CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

\*\*Town of Esopus will be matched equally by the six other municipalities that make up the Hudson 7 to pay for the coordinator position.

**REFUNDING BOND RESOLUTION DATED JULY 9, 2019**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "REFUNDING (SERIAL) BONDS" AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.**

**WHEREAS**, the Town of Esopus, Ulster County, New York (hereinafter, the "Town") has outstanding \$2,155,000 of Public Improvement (Serial) Bonds, 2006 dated October 1, 2006 originally issued in the aggregate principal amount of \$3,000,000 and maturing or matured on October 1<sup>st</sup> annually through 2036 pursuant to a bond resolution dated July 21, 2005 (the "Refunded Bonds"); and

**WHEREAS**, the Refunded Bonds carry interest rates that are higher than interest rates available in the current capital markets; and

**WHEREAS**, it is now desired to authorize the Town Supervisor, as Chief Fiscal Officer of the Town, to refund and refinance the Refunded Bonds in order to achieve lower interest rates and present value debt service savings.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Esopus, Ulster County, New York, (by a favorable vote of not less than two thirds of said Board) as follows:

Section 1. As a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), the Town Board, having reviewed the classifications of actions contained in the Regulations, hereby determines that issuance of refunding bonds to refund the Refunded Bonds constitutes a "Type II Action" under the Regulations and is not subject to review under SEQRA.

Section 2. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds (or such portion thereof as the Chief Fiscal Officer shall determine to be in the best interests of the Town), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation, the development of the Refunding Financial Plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter defined, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,300,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 or 90.10 of the Local Finance Law (the "Town Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,005,000, as provided in Section 7 hereof. The Town Refunding Bonds shall each be designated substantially "REFUNDING (SERIAL) BONDS, 2019" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby

further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at private sale at a discount in the manner authorized by Section 90.00 or 90.10, as appropriate, of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 13 hereof relating to approval by the State Comptroller, if required.

Section 3. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, Jersey City, New Jersey ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, Jersey City, New Jersey, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided). In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively

the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to select the underwriter to purchase the Refunding Bonds and to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

Section 4. The Supervisor is hereby further designated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted or impressed thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, if applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 6. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law, if applicable;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as set forth in the bond determinations certificates relating thereto which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said/respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is as shown in the Refunding Financial Plan described in Section 7 hereof.

Section 7. The financial plan for the refunding authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this Resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$2,005,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit A attached hereto and made a part of this resolution. The Town Board recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued with substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial

Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, if applicable. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 8. The Supervisor is hereby authorized to enter into an escrow contract (the "Escrow Contract") with a bank or trust company, located and authorized to do business in this State as said Supervisor shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law, if applicable.

Section 9. The faith and credit of said Town of Esopus, Ulster County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. To the extent debt service on such bonds is not paid from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 10. To the extent required by law and if necessary to carry out the intent of the refunding financial plan, all of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds on the first interest payment date thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.00 and 90.10 of the Local Finance Law, if applicable, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 11. Notwithstanding any other provision of the Resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any

proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder as then in effect.

Section 12. In accordance with the terms of the Refunded Bonds and the Bond Certificate relating thereto, as well as the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, if applicable, and subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to call in and redeem each series of Refunded Bonds on their respective first optional redemption date. The sum to be paid therefore on such redemption date shall be the par value thereof plus the redemption premium, if any as provided in the Refunded Bonds Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 13. The Refunding Bonds shall be sold at public competitive sale or at private sale to an investment bank to be selected by the Supervisor (the “Underwriter”) for such purchase price as shall be determined by the Supervisor, plus accrued interest, if any, from the date of the Refunding Bonds to the date of delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law (if applicable), the Supervisor, is hereby authorized to execute and deliver a purchase contract, or similar agreement, for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter.

Section 14. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 15. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 16. The validity of the Refunding Bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 17. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 18. The law firm of Trespasz & Marquardt, LLP is appointed bond counsel for the Refunding Bonds.

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

<b>Councilperson Gloria Van Vliet</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>ABSENT</b>

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

\* Estoppel notice will run in the Daily Freeman

\*\*Roosevelt & Cross won the RFP for underwriting the refinance, approved at 6-18-19 meeting  
The Town Board was given a choice of an 8 or 10 year option. Brian Pickard made the recommendation of the 10 year option and the Board was in agreement.

**TRANSFER STATION**

New procedures are in place at the RRA and all TV's have to be wrapped, boxed and placed on pallets prior to Dan Vedder taking them to the RRA. This is taking additional man power and bucket forks are needed to lift the pallets.

**A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE PURCHASE OF THE BUCKET FORKS IN THE AMOUNT OF \$300. A MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

\*\* Price adjustments at Transfer Station for Electronics and bulk rate will be voted on at the next Town Board meeting 7/23/19.

**SSI**

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPROVE SUPPRESSION SYSTEMS, INC (SSI) INVOICE FOR ANNUAL FIRE INSPECTION PREVENTATIVE MAINTENANCE INSPECTION FOR \$860. (1 OF 2 PAYMENTS). THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**COURT CLERK CONFERENCE – MARIANNE WELLS**

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPROVE MARIANNE WELLS TO ATTEND THE NYS COURT ASSOCIATION OF MAGISTRATES CONFERENCE SEPTEMBER 29<sup>TH</sup> – OCTOBER 2<sup>ND</sup> IN SYRACUSE, NY THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**JUDGE GRIECO – RETIREMENT**

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPROVE THE REQUEST OF JUDGE GRIECO TO AMEND HIS RETIREMENT DATE FROM JULY 12, 2019 TO AUGUST 7, 2019. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**FILMING IN ESOPUS**

The Board had a discussion regarding filming in Esopus. Recently a HBO series filmed on the Wurtz St. Bridge which caused town residents to be inconvenienced with road closures. The road closures that had been approved and should have had minor impact to the residents in the area were changed at the request of the police and set another road closure at the Millbrook Bridge. Residents from the Hills and Rondout Harbor complexes were being rerouted via Salem Road. The agreement was all local residents would have access to and from the Connelly Rd. entrance with the exception of a "Hard Close" in which the scene was being taped. Esopus is

new to the film industry and everyone agreed that changes relating to road closures need to be brought to the Boards attention. Flyers with notification of the road closures (that were the original locations) were posted on poles in the area of 9W and Connelly Rd., however many residents did not see them. Helicopters caused residents who were unaware to be concerned. Information about the film shoot was noticed in an article in the Daily Freeman and was posted on social media by the Town. In the future, the filming industry will be asked to post individual flyers to homes in the area explaining what was expected. In the future the Town will also look into compensation for being inconvenienced.

The State DOT has given us notice that there will be an on – off road closure July 19<sup>th</sup> from 8 pm to July 20<sup>th</sup> 6 am on 9W from the intersection of North Broadway/Canal St. and Flatbush Avenue in Kingston for filming. Traffic will be controlled by law enforcement.

**Interviews** - The candidate did not show; interview will be rescheduled.

### **MISCELLANEOUS**

Councilperson Chris Farrell made the recommendation to have Outreach Coordinator, Alex Dean look into the cost of a software program called Board Docs to make documents digitally available to Board members and residents and minimize paperwork. Councilperson Chris Farrell also offered to look into grants that may be available for laptops or tablets. Chris was familiar with this system as it is the same program BOCES uses. All members agreed they are inundated with paper.

Don Kiernan, Water Superintendent and Holly Netter, Town Clerk, were excited to announce Water/Sewer Bills can be paid online at [www.esopus.com](http://www.esopus.com). Billing information is available and multiple properties can be paid in one transaction by placing the different parcels into the cart. A site fee is charged for the transaction by the company since the municipality cannot legally absorb the cost.

The next Town Board meeting is July 23, 2019 at 7:30. Location of the August 6<sup>th</sup> workshop meeting needs to be confirmed by Alex and will be announced at the next Board meeting.

### **ADJOURNMENT**

**A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO ADJOURN THE MEETING AT 8:18 PM AND WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

Respectively Submitted,

Holly A. Netter  
Town Clerk, RMC