

TOWN BOARD WORKSHOP MEETING
August 16, 2016

A regularly scheduled Town Board Workshop Meeting was held on Tuesday August 16, 2016 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following people in attendance:

Supervisor Diane McCord
Councilperson Wayne Freer
Councilperson Les Kalmus
Councilperson Kyle Barnett - Absent
Councilperson Gloria Van Vliet

Recording Administrator Holly A. Netter, Town Clerk

Supervisor Diane McCord opened the meeting at 7:30 pm.

PUBLIC COMMENT / PROPOSED ANCHORAGE LOCATIONS

Kathy Quick read the following letter into the minutes:

August 16, 2016

Dear Mr. Lapiejko,

The Town of Esopus Waterfront Advisory Board (WAB) is a town appointed board that advises the town on issues associated with the Hudson River and its adjoining land. The Local Waterfront Revitalization Plan (LWRP) as approved by the NYS Department of State, serves as the document which sets direction regarding key issues we might be evaluating. It is in that capacity that we are contacting you regarding our concerns with Federal Notice #81FR37169 titled Anchorage Grounds, Hudson River, Yonkers, NY to Kingston, NY. We appreciate that the Coast Guard has given the towns an opportunity to provide feedback and is pursuing a methodical process to identify concerns municipalities and residents may have. We would like to reinforce an e-mail letter sent by Catherine Quick by June 30th, 2016 and a letter that was sent by Town of Esopus Supervisor Diane McCord, which requested a public information meeting. It is our hope that the Coast Guard will honor our request for a public information session, so we might learn more details regarding the plans that might adversely effect the Hudson River in the Town of Esopus. The proposal calls for ten anchorage locations with 43 berths in the Hudson River. The three anchorages, eight berths and 540 acres of river which most effect our town include:

1. A Kingston Flats and Kingston Flats South anchorage ground, which would cover about 280 acres for up to three vessels with a draft of less than 22 feet for long term usage. It would provide a vessel swing radius of about 1,300 feet for one vessel and about 1,800 feet for two vessels.
2. A Port Ewen anchorage ground, which would cover about 50 acres for one vessel with a draft of less than 30 feet for short term usage. It would provide a vessel swing of about 1,200 feet.

3. The Big Rock Point anchorage ground, immediately south of Port Ewen, covering about 208 acres and accommodating up to four vessels with a draft of less than 35 feet for long term use.(Note: This is the anchorage ground closest to our town drinking water treatment plant.)

In the past, the Hudson River has been used as a commercial waterway without regard for its environment or that of the areas bordering the river. This is no longer the case and the river and its surroundings have begun to return to the natural beauty that once existed here leading to new uses. As with many New York Hudson River waterfront towns, tourism is now a critical part of our local economy, much of which is based on the Hudson. The beauty and ecological diversity of the river make our town a popular destination and host for kayaking, sailing, marinas, boating, crew teams, yacht clubs, sport fishing and stand up paddle boarding. There is also valuable real estate along the our Hudson River waterfront. Additionally there is a fragile ecosystem that is slowly recovering from so many years of abuse. The Port Ewen & Rondout Creek areas are important habitats for Atlantic sturgeon, short nosed sturgeon and of course shad and striped bass that visit to spawn. It is our understanding that the anchored vessels will be barges and will likely contain highly volatile Bakkan crude oil or crude residue and that they will be accompanied by tugboats and their crews. Given this, we have outlined a number of concerns listed below:

- * As these barges pass through our town, we suspect that the town does not receive any economic benefit, however, it seems that the town may bear the burden should there be an accident or a spill. What is the plan and financial provisions to cover an accident or spill? Has there been a study on the cost to cover the immediate response, recovery and repairs to the shoreline and infrastructure? The Hudson has many marshes, creeks and heavy tidal flow. The scope of a spill will likely be immense and extremely expensive to remediate Will the tug operators and ship owners be required to have adequate insurance covering a potential disaster and will our town be covered by their insurance? Are there limits of their policies which could have an impact the town?

- * In the event of a fire on the barges, who will be responsible for the training and equipment to put the fire out? Who bears the cost for training and equipment?

- * Will there be any record of use, fees or permits required? Will these records be public?

- * Some of these proposed anchorages are located very close to the Town of Esopus drinking water treatment plant. Given the tidal flow of the river, it would seem that there should be safety requirements as to the distance that a ship may anchor from a municipal water intake. Additionally there should be an associated disaster recovery plan should there be a spill. Who will bear the cost of pursuing a solution to the permanent contamination of our water source?

- * There is no mention of how long these barges can remain anchored. Is there a limit on the time these barges may remain anchored? If so, what is it? How will it be enforced? Is there anything to prevent oil companies from using these anchorages as floating crude oil storage tanks? This is of special concern regarding the anchorages close to our water plant.

- * We understand that moored barges will be accompanied by tugboats and their crews. What about the nightly light pollution that their running lights will cause? Who will enforce the No Discharge Zone rules for the tugboats that may be moored for long periods of time?

* Some waterfront residents have been concerned with noise pollution, as the tugboats have their generators going all night and the petroleum fumes are noticeable.

* This area of the river contains a number of significant coastal zone habitats as identified by the NYS Coastal Management Program. These include the Kingston Deepwater Habitat, the Poughkeepsie Deepwater Habitat, the Rondout Creek(including tidal flats), Esopus Meadows and the rocks of the Hudson used for basking Map Turtles. It has been shown that the chain anchor drag disrupts the bottom of the river which is a habitat for Atlantic Sturgeon, shad and short nosed sturgeon.

* A concern came up regarding the anchors and chains disrupting the sediment that has naturally been deposited covering the PCB deposits possibly mixing with the river flow.

* There is a concern regarding the moorings close to the Rondout Creek exit and the hazards they present to navigation. This is a major ingress and egress for a large number of commercial and recreational boats. This proximity increases the potential for a collision primarily at night due to low visibility and fog. Given the large number of vessels planned from Big Rock Point to the Rondout Creek, there is likely a significant restriction to line of site navigation capabilities.

* This part of the Hudson is a major recreational location for sailing, power boats, water skiing and kayaking. It is part of our local economy and what makes our town an attractive place to live. These barges significantly disrupt the wind flow and wind patterns, create nightlight pollution and are not visually attractive. Together, these factors can reduce the desirability of our town as a pristine waterfront community which will have a negative effect on our local economy.

* This area of the river has cable and gas line crossings. What provisions are in place to prevent accidents to this critical infrastructure?

* Given the rising concerns with Homeland Security, it seems that these barges laden with volatile fuel, represent a significant security challenge. Who is responsible to patrol and insure these ships do not become a target for an act of terror?

* Last is the impact on the view shed. The Town of Esopus Hudson River Waterfront is designated by New York State as a "Scenic Area of Statewide Significance". The view shed is an important element that we ask all new construction to address along the river, but this plan doesn't address that issue nor have we been given the authority to deal with it even though we are responsible to manage it. This could be a significant negative impact to the view shed.

It was stated that this request is being made for safety reasons. It is fully understandable that the Coast Guard can make provisions as it has in the past for barges to temporarily use these anchorages for safety purposes during extreme weather events or other emergencies. It is our understanding that these ships have never been denied safe haven when required. What new requirement is driving the creation of permanent anchorages? Can the need for moorings be addressed as it is today with temporary anchorages managed by the Coast Guard when weather conditions create the requirement?

The Hudson River is an important part of our town's overall ecosystem, both for its natural beauty, recreation opportunities and for the economic value it brings to the town and residents. The area is well on

the way to recovery from the blight of commercial usage of the river in the past and we are very concerned that this recovery as well as the revitalization of marine habitat will be negatively be effected. We are looking forward to the public hearings and informational meetings which will allow our residents to learn more about the specific concerns they might have and we encourage any plans to be evaluated in conjunction with the NYSDEC, NYSDOS Coastal Management Program, US Environmental Protection Agency, and the National Oceanic and Atmospheric Administration.

We do appreciate the fact that the US Coast Guard is seeking input and concerns from local residents and municipalities. Again the Town of Esopus would be happy to host and information meeting regarding this proposal when you are ready to make a presentation to the public.

Sincerely,
Catherine L Quick, Chairman
Town of Esopus Waterfront Advisory Board

This letter was a joint effort of the W.A.B.

Carol Tomassetti, also a member of the Waterfront Advisory Board, said a lot of other Townships are trying to elevate the awareness of this proposal. Towns along the river such as Rhinebeck and Rhinecliff are starting to hold meetings without the Coast Guard to discuss the topic and they have invited Riverkeeper and Scenic Hudson to speak. Carol said according to Scenic Hudson the crude allowance is 450,000 gallons of oil which can be moved through the Port of Albany. It now has been increased to 3 billion gallons because the export restrictions have been lifted. She said although it may seem innocuous it most likely is ground work for an expansion effort to move the oil via the Hudson. Kathy Quick added insurance is also a big concern. The Town needs to make sure if there is a mishap the Town is not stuck waiting for payment while the case spends years in court.

Barbara Hill of 93 Riverview Court has been a resident for 25 years. She would like to have pole # 2526K CHGE CORP turned off. She feels it is not an essential light and is "light pollution" causing bright light to shine into her home. The Board will check on this matter and get back to Mrs. Hill.

TRANSFER STATION – Lenny Liberta

Lenny has been talking to the residents and came before the Board to ask the Boards opinion of opening the transfer station for a half day on Sunday and have a half day on Wednesday to allow for 6 day access. Councilpersons Freer, Van Vliet and Kalmus were against this idea. Reasons such as Government should not be open on Sundays except for essential services and employees should have 2 full days offs where two of the main reasons for the objection. Supervisor McCord said she thought they could give it a try to see how it went. 3-1 the idea was not approved.

Lenny also proposed the idea of opening the Transfer Station up to people from neighboring towns. Their permits would be at a higher rate than Town residents and charged a higher per ton charge. Councilperson Freer said he needs to see data on how much to charge to make it profitable so Town residents are not paying for other people's garbage. A question of whether

the code would have to change was brought up. Currently only garbage generated within the Town is allowed to be brought to the Transfer Station. Councilperson Freer said he was not opposed to the idea but it needed to be profitable.

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER EFFECTIVE SEPTEMBER 1ST TO OFFER ANNUAL STICKERS AT ½ RATE FOR THE REMAINDER OF THE YEAR DECEMBER 31, 2016. THE MOTION WAS SECONDED BY COUNCILPERSON LES KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Lenny had asked the Board to consider offering a discount to Veterans. This proposal will be discussed in November and if approved would be effective in 2017.

Lenny would like to have an Open House to promote the Landfill. Councilperson Freer said he would like to see it in October when the weather is cooler. Lenny asked if Brian Barnes could video the event and air it on TV 23. They will ask Brian to take a video of the Transfer Station and recycling efforts and use the footage as advertisement for the Open House. Later in the meeting Paul Curren from BQ energy suggested timing a ground breaking for the Solar Project on the same day as the open house and have media coverage for both events.

Lenny is still interested in having signage placed on 9W; he was told the State DOT needs to grant that approval. Lenny had attended the Environmental Board meeting with the hope that the members would help him at the transfer Station with the recycling efforts. He was disappointed there was no one who volunteered. The Environmental Board suggested getting students to help. Scout leaders will be contacted and hopefully they will be able to help educate people on recycling at the Transfer Station

Hazardous waste cleanup day at the RRA is October 8th.

RECREATION BUILDING – REVIEW CONSTRUCTION PLANS

Charley Wesley has completed the plans for the proposed Recreation Building and they were given to the Board to review. Members took them home and will return them next week.

BQ ENERGY PPA – Paul Curran

A copy of the PPA was given to the Town Board and needs to be reviewed. Supervisor McCord will consult with Councilperson Barnett as to his contact information from NYSEERDA. A few minor questions were asked regarding the length of the contract being 25 years verses the original 20 years with SunEdison. Paul Curran said the years could change and the price would not be affected. They could even have a 20 year with options if that's what the Board wanted. BQ said they have everything they need including the production numbers. They would like to build this project this year. Hopefully the contract can be reviewed and this can be wrapped up next week at the Town Board meeting. Paul said Central Hudson was paid their interconnection fee. BQ met with the DEC last week and papers looked good and where in

order. Councilperson van Vliet asked about the payment due date of the 10th of the month in the contract. Paul said the due date will be synced to the Town's billing date with Central Hudson. All accounts need to be in the same name. The bill headers may have to be changed for credit purposes. Paul said BQ recently dealt with Trinity Pawling High School and they would be happy to answer any question the Board may have regarding the billing.

COMPREHENSIVE PLAN APPOINTEES

Supervisor McCord will write to each of the Boards and ask members who are interested on sitting on the Comprehensive Plan Committee to let her know. Once the names are collected the Board will make a decision on who will be chosen to represent each Board.

UNION CONTRACT

The Contracts have been received. The contract needs to be reviewed to make sure it reflects the necessary changes prior to anyone signing them. Supervisor McCord will speak to Councilperson Kyle Barnett regarding this matter.

PARSELL STREET PROPERTY SUBDIVISION - PANGERC

Planning Board application 2016-11 for Pangerc ,147 & 153 Parsell Street in Sleightsburgh was referred to the Town Board. Surveyor John Heidecker brought a series of maps showing the placement of the home over a vast time line. A lengthy discussion was held regarding the parcel of land on Parsell Street. At some point the road was widened and the setbacks were changed when and why are unknown at this time. This leaves a house that has been located in the same spot since the early 1900s to now have an encroachment on the Town property by 1.2 feet. Fred Zimmer, member of the Planning Board said the applicant was before them for a lot line adjustment and it should be cleared up so if someone goes to the bank for financing there would be no issue that comes up when they do a title search. The Board members present were asked for their thoughts on giving the 1 1/2 feet to owner. Councilperson Les Kalmus was in favor of giving the applicant the sliver of property needed to avoid any problems moving forward. Councilperson Van Vliet was in favor of giving him the 1 1/2 feet Councilperson Freer was not in favor. Supervisor McCord was in favor of giving the 1 1/2 feet. It was decided 3-1 the property would be given to the owner. All costs associated with having the description written and survey maps adjusting the line will be the responsibility of the owner. The ongoing question is; how did the road move between 1924 and 1994. Highway Superintendent Mike Cafaldo will be asked to look into seeing why the maps have changed.

A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE THE LOT LINE ADJUSTMENT FOR 1.5 FEET TO PANGERC SO THE HOUSE WILL BE ON THE PARCEL AND MAPS CAN BE DRAWN UP FOR THE LOT LINE ADJUSTMENT FOR THE PLANNING BOARD. ALL EXPENSES INCURED FOR THE DISCRPTION, SURVEY AND FILING OF THE MAPS WILL BE PAID BY PANGERC AND NO COST WILL BE IMPOSED ON THE TOWN. THE MOTION WAS SECONDED BY COUNCILPERSON LES KALMUS. A VOTE WAS TAKEN; PASSED 3 IN FAVOR , 1 NO & 1 - ABSENT

Councilperson Gloria VanVliet	AYE
Councilperson Wayne Freer	NO
Councilperson Leslie Kalmus	AYE
Councilperson Kyle Barnett	ABSENT
Supervisor Diane L. McCord	AYE

Maps that were used during this meeting have been placed for permanent retention in the Planning Board file case # 2016-11 Pangerc.

CAS LANDI PARK – DONATIONS

Cas Landi Park in St. Remy has had several donations placed in the escrow account toward the pavilion. Two \$5,000 donations and one \$500 donation have been made. Footings will be poured on Friday and our Building Inspector will be there. A permit has been documented. George Heissenbuttel has been hired by Church Communities to oversee the building.

TUGFEST DONATION – APRIL ZENG

Allstate Agent April Zeng has donated \$1,000 to the Recreation Committee for the TugFest. She will also be donating four hours of her time at the event.

ALLSTATE BENEFITS

Allstate would like the opportunity to speak with the Town employees to offer products that may not currently be available through the Town’s insurance or AFLAC. Arrangements will be made for the employees to have the opportunity to explore options perhaps by inviting multiple vendors to share their information.

REMOVAL OF KENNELS

A review of the status of the Kennel Bid was given by Town Clerk Holly Netter. The bids for the Kennels are due August 23rd at 11am. The Board has the right to refuse any and all bids should they not be in the best interest of the Town.

COMPUTER CONSULTANT AGREEMENTS

Several consultants have submitted bids for IT consultant services which will need to be reviewed and data used during the budget meeting for 2017. The question of whether the individuals were insured was brought up. Supervisor McCord will ask them to send a copy of their insurance.

FALL FESTIVAL

This year the Tugboat festival is being held the same day as the Fall Festival. It will offer a variety of activities including craft and food vendors, a meatball cook-off, music by Bobby Stillwell and the live auction of Tugs. The Methodist church will be having their 46th Annual Apple Festival. It was decided the Town would still prepare and have the Town Wide yard Sales. Queenies Treasure Chest is supposed to be having a large Flea market at her location. Once that information is confirmed it will be part of the marketing material that the Town Clerk prepares. Bill Benson and Alan Koedzikowski have asked to have a car show in the Ross Park parking lot. The responsibility of prizes and trophies will be theirs. Councilperson Freer suggested they use the Town Hall property so more cars could be on display and visitors would have ample parking. The Town has not solicited any donations this year since many businesses have contributed to other Town events throughout the year. The Town of Esopus Library will have their Book Sale Friday, Saturday and Sunday.

THINK DIFFERENTLY PROPOSED RESOLUTION

Supervisor McCord gave the Board a copy of a proposed resolution Marc Molinaro, Dutchess County Executive asked the Board to consider passing. At this time the Board felt they did not have sufficient information about the program to make a decision on the resolution.

ALARM SYSTEM PROBLEMS

For the past few weeks we have been having trouble with our communication line on the alarm panel. Councilperson Wayne Freer will contact SAFECO and make arrangements to have a technician trouble shoot the problem as well as update the list of users, zoning and current alarm procedures.

TAX CERTIORARI – SCEPANOVIC / SERRAS

Paul Kellar is unable to represent us in the Scepanovic /Serras tax certiorari case. Supervisor asked the Board for their suggestions.

Miscellaneous

Councilperson Gloria Van Vliet said she has received several complaints about the new crosswalk signage being an eyesore. There are too many in a concentrated area. Town Clerk Holly Netter said she has received comments from disabled members of the community who are very thankful for the signage. The Board was concerned with their appearance when the topic was brought up several months ago. The smaller signs that are placed in the walk way are more pleasing to the eye, however, they cost approximately \$400 each. Unfortunately the signs are run over and damaged by traffic on 9W and makes them cost prohibitive. The DOT provided the new signage free of charge.

EXECUTIVE SESSION

A MOTION WAS MADE AT 10:00 PM BY COUNCILPERSON WAYNE FREER TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE ACTIONS OF A RECREATION DEPARTMENT EMPLOYEE. THE MOTION WAS SECONDED BY SUPERVISOR DIANE MCCORD. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE AT 10:20 PM BY COUNCILPERSON WAYNE FREER TO COME OUT OF EXECUTIVE SESSION THE MOTION WAS SECONDED BY COUNCILPERSON LESLIE KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER TO TERMINATE THE EMPLOYMENT OF LHOSSINE SIBA EFFECTIVE AUGUST 14, 2016 FOR ACTING INJOURIOUS TO THE TOWN OF ESOPUS. THE MOTION WAS SECONDED BY SUPERVISOR DIANE MCCORD. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED

A MOTION WAS MADE BY SUPERVISOR DIANE MCCORD TO ADJOURN THE MEETING AT 10:15 PM AND WAS SECONDED BY COUNCILPERSON LES KALMUS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively submitted,

Holly A. Netter, RMC
Town Clerk