

**TOWN BOARD WORKSHOP MEETING
SEPTEMBER 3, 2013**

A regularly scheduled Workshop Meeting of the Town of Esopus Town Board was held on Tuesday, September 3rd in the Town Hall 284 Broadway Port Ewen, New York with the following persons in attendance:

**Supervisor John Coutant
Councilperson Gloria VanVliet
Councilperson Wayne Freer
Councilperson Donna McAuley
Councilperson Kyle Barnett**

Administrative Recorder: Diane L. McCord, Town Clerk

**Marion & Fred Zimmer
Steve Aaron
Julie Aaron
Josh Aaron**

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

1. Marion Zimmer – Re: Greenway Conservancy Grant

Marion contacted the Town Board about another matching grant with which she would like to apply. Last February, Marion came before the Town Board with another grant application, however, she did not receive that one. Scenic Hudson contacted her about this latest grant. This is a matching grant. She asked the Town Board to agree to pay fifty percent of her costs. She would do a budget breakdown.

Elizabeth Compochiaro from Greenway sent Marion the Greenway Conservancy Small Grants application. This is a "Trail Grant" and an education grant. She advised us to send in the grant. The town would be "on the hook" for \$750. Scenic Hudson may "kick in" \$200. Supervisor Coutant said we agreed to apply for a grant before and he saw no reason for them not to support this grant. We will place \$800 in reserve at our budget meeting. Hopefully, it will be less. If the grant comes in within 2013 it can come out of the "Supervisor's Budget" or if it comes in 2014 we could budget for it under the Waterfront Advisory Budget. Marion will give the Town Board a copy of the Resolution which is to be sent in before our Town Board Meeting.

A Motion to endorse the Greenway Conservancy Grant was made by Councilperson Wayne Freer and seconded by Supervisor John Coutant. All Town Board Members voted in favor. Motion Carried.

**TOWN OF ESOPUS
MUNICIPAL RESOLUTION FOR
2013 GREENWAY CONSERVANCY SMALL GRANT PROGRAM**

WHEREAS, the Town of Esopus is applying to the Hudson River Valley Greenway for a grant under the 2013 Greenway Conservancy Small Grant Program for a project entitled the Greenway Conservancy Grant to be located in the Town of Esopus.

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipalities in which the project will be located;

NOW, THEREFORE, BE IT RESOLVED the governing board of the Town of Esopus hereby does approve and endorse the application for a grant under the 2013 Greenway Conservancy Small Grant Program, for a project known as Greenway Conservancy Grant and located within this community.

September 3, 2013
Town of Esopus

Diane L. McCord, Town Clerk

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Budget Breakdown

Equipment

Signage – Lawn signs and holders	10	\$200
Brochures & Holders	1,000	500
Patches	500	500
Set up fees print/patches		200
Educational Posters (10)		150
 Total		 \$1,500

2. Steve Aaron Communication – Electric Bill – Sewer Pump Station

Supervisor Coutant said this afternoon Secretary April Oneto communicated with the Water & Sewer Department and Supt. Don Kiernan is on vacation. Don took his laptop with him. In the laptop were the questions that were outstanding about what is going on about the pump station. Second in command, Eric Balash said there is a ladder lost and in order to get into the pump station it is needed. Steve Aaron said they purchased a pre-fabricated system which is

consistent with the regulations and it comes up on a rail. The only thing that was missing is high beam system so you can jack the pump up. There are lift chains. Supervisor Coutant said you need to be able to lift up the pump and that was one of the questions. Both pumps have been replaced at their expense, according to Mr. Aaron. We do have the two spare pumps which are consistent with what the Planning Board wanted. He did not know where they currently are but they are sure they can locate them. The pumps have been re-furbished.

Supervisor Coutant said in the comments that the Town Board read on the front of the information you received, it indicates please contact Central Hudson to avoid any interruption in service. Steve had never planned on paying for the service at the pump station from the time he built the complex right on up to now. How much time does this \$7,300 bill represent? Steve Aaron said from the very beginning since 2008. He has been putting Central Hudson off for years. His guess is there are penalties attached to this bill. He has no way of knowing. We could find this information out for you.

The Supervisor read a report from Peak Engineering and this looks like the parameters of the grease has been put in order with the addition of the chemical once a week with a gallon of its' use. It was tested further on down the sewer line so when they tested it was not just Birchez grease. The second test was specific to Birchez pump station and according to the engineer the grease was within the limits. Supervisor Coutant asked the Town Board if they would consider paying the electric bill since Steve Aaron never budgeted to pay for the electricity to the pump station? Steve Aaron said it was never the intention for us to pay the electric for the pump station if you look at the Planning Board approval. When there was a broken pipe, we fixed it. This was an expense the town would have had to have born. We had this grease issue that has been holding up the show. Judy Aaron asked where was the grease tested? Steve Aaron said that was not an issue. The test was done at VanLoans'. What sensitized everyone is the City of Kingston said we were sending grease over to the City of Kingston. That sensitized everyone that there was an issue with grease without necessarily stating it was us.

The issue with the pipe break over there. Supervisor Coutant said there was a grease problem and it created too much pressure in the pipe and because of the 45 degree bend in the pipe and that is where it came apart. The pipe was dug up and the bend corrected. Steve Aaron said all of this has been corrected. We tried to address the issue by instructing the residents they cannot dump grease down their drains. We retained Peak Engineering to do testing and correct the problem. We now use the chemical the town uses. At this point, the Central Hudson situation reared itself this morning. Steve Aaron then called the Supervisor. You would have been paying this anyway. The only thing holding it up officially is the grease issue and the generator. The right of ways....from a practical standpoint, I am not going to stop a town employee from coming on there to deal with the pump station.

Steve Aaron continued...we have the easements and they are in with Terry Karl and we want to do the road at the same time. Two years ago it was not a big deal to plow the road but last year it was a painful process. We don't want to close the road. We continue to absorb the expenses just because there was a snafu with the turning over of the road and I am not crying about it but with Central Hudson I have no budget for this.

Councilperson Kyle Barnett said he does not see why we have a problem paying this bill, legally under the circumstances, especially since we were all in agreement that this was an obligation from the beginning. Steve Aaron said we can contact our attorney and ask him to release the easement for the sewer. Councilperson Barnett had no problem legally with the town paying the bill but we should not pay penalties and interest. Supervisor Coutant will get with Central Hudson to get a final figure without penalties and interest. The other problem, according to Councilperson Barnett is Don Kiernan has not made a report on this issue in a while. I am curious as to what Don Kiernan's explanation is compared to what he is saying as opposed to the report from Peak Engineering.

On June 11th Councilperson Barnett did not recall this being reported.

According to Councilperson Gloria VanVliet, her husband who is on the Port Ewen Water and Sewer Board had a conversation about this today. The water and Sewer Board do not feel the obligations have been met. Councilperson Freer believes every time we get something different from Don. Councilperson Barnett agrees and with Steve Aaron providing us with this engineering report it gives us information we did not have before. Why is Don reporting something to us that is diametrically opposed to this professional engineer? Councilperson VanVliet said her husband told her a month ago Don Kiernan opened up the pump station and said it was filled with grease. She is stuck in the middle. In the meantime, we will solve the Central Hudson issue said Councilperson Barnett. The Supervisor agreed we need to find out what the bottom line is with Central Hudson and the Town Board has made the decision to take care of this bill. Cease and desist with the threat of turning off the pump station for it would be a health hazard and that is the problem. I am in charge of public safety. It is part of a municipal system that gives us more right to intercede and tell Central Hudson to back off.

Steve Aaron said the Planning Board voted to take the pump station over and we are in a "twilight zone situation" we are minutes away from us officially turning it over and we just need Don to stop saying things like the grease is now carrying over to Doris Street. How does he know this is our grease? Supervisor Coutant said we will tell Central Hudson we have made an agreement to assist with this bill. We need you to back off until our next meeting. What is different is every time they have come after Steve Aaron to pay this bill...they have called the Supervisor. One time, Steve said they sent a bill to everyone in the building. The Supervisor will contact Mark Multeer 452-2700 extension 5755 or his cell number is 914-456-1450. Steve Aaron said he would be around tomorrow if the Supervisor needs to contact him. The Town Board Members were thanked for attending the ribbon cutting at Birchez.

Stop Work Order Discussion.....

Supervisor Coutant said this resident over across from Birchez went into the MS4 Drainage Program which was approved by the Planning Board and the drainage was tied into the river and she took that thing apart and took rocks and placed them against the wall. The town gave her a Stop Work Order. She contacted the Supervisor and her attorney. Her attorney is Mac Courtney who used to be a Councilman on this Town Board. The Supervisor told Courtney the MS4 Drainage regulations had changed since he was on the Board. Courtney said he would look to see what the problem is. Supervisor Coutant said the problem was the water had no way to get under her driveway and into the river. Courtney has never called back. Steve Aaron has tried to contact Courtney also. In the mean time, the resident has indicated Steve Aaron's property is twelve feet on her property. The Supervisor checked with Steve Aaron and his survey is guaranteed by the Title Insurance Company. Councilperson VanVliet asked can't we issue an appearance ticket? Supervisor Coutant said there has not been anything done since the issuance of the Stop Work Order. Councilperson Freer said they did what they should not have done, the Stop Work was issued and there should have been a summons issued for the work they did previous to the Stop Work Order. This happened in July and the Building Inspector just came back from vacation so he has not had a chance to review this. Councilperson Barnett does not believe the Attorney Courtney will contact us. Tim will have to issue a violation of the Stop Work Order with the Justice Court. Councilperson Gloria VanVliet asked if there were four of us here tonight that want Tim Keefe to go further? Yes, Tim will have to finish this, agreed Councilperson Barnett. Steve Aaron called Attorney Courtney the first time and had a pleasant conversation and he said all we want them to do is fix it. Courtney said he has advised his client not to get into a legal battle with you. It is time, according to Councilperson Barnett, for Tim Keefe to issue an appearance ticket and he would contact Tim if the Supervisor had a problem with it. The Supervisor did not have a problem talking with Tim. Councilperson Barnett said this ticket will not solve the problem of bringing the resident into compliance. Under MS4 the town is responsible for restoring the drainage. Steve Aaron as the property owner is the one to get cited by DEC but the town is the enforcement of the MS4.

- Additional Discussion about this topic later in the meeting:

Councilperson Donna McAuley wants to make sure Steve Aaron has fixed the pumps. The last time we spoke with Don Kiernan, he did not know where the pumps were located. On another subject Councilperson Wayne Freer said the foreman Eric Balash does not attend the Port Ewen Water and Sewer Board Meetings. He had been told to attend. There is a difference between what the Port Ewen Water & Sewer Meeting Minutes on June 11th regarding Birchez and what Steve Aaron is saying and what is in the engineering report from Peak Engineering. Another topic was do we change the name on the Central Hudson billing from Steve Aaron's name to the town's name and it was decided to keep it as it is until the pump station is turned over to us.

3. Tax Certiorari – Riverview – Attorney Selection

The only attorney Councilperson Kyle Barnett feels comfortable with is David Murphy at \$250 per hour. It could be a long case. It is expensive but it will add up. We can give him the go ahead or the Councilperson could find another attorney. There is no pressing time issue at the moment. Whatever is the Town Board's pleasure. Murphy is certainly a competent attorney and Councilperson Barnett will call him and we can send the case out on Friday.

4. Recreation Department – Help

The Supervisor explained how we ran into a problem with Kyle Lewis going back to school and Ryan going back to school and cutting back his hours more than what was expected. Dan Vedder cannot handle all that is going on even with the help of Alternate Sentencing people. Mike Miller works part time and Dan requested a few hours a day from Mike. Councilperson Gloria VanVliet said if more hours are given that will make him full time and that is not acceptable. Supervisor Coutant commented we have a part time Building Inspector, part time Town Clerk, part time Maintenance Worker. Is it the intention of this Town Board not to have any more full time employees? Is that where we are going? Councilperson VanVliet answered no...she is not in favor of having a part time Building Inspector now but that was the choice of the whole board. The Town Clerk will be full time next year. Councilperson Wayne Freer commented we kept on a part time Building Inspector so we could continue the continuity of the office. Supervisor Coutant mentioned our last Maintenance person was full time and his hours were cut. Councilperson VanVliet said that was done because our budget was in bad shape and we had to keep cutting.

NYMIR will come in on Thursday with a check for us. He would like to put money toward more help. Councilperson Freer went back to the Recreation Dept. saying we never had more than one full time person. The Supervisor said that is right but we had the equivalent of two part time people to equal one. Councilperson Gloria VanVliet said if you put more help on our health insurance will increase. Maybe next year we could look at hiring a full time person. Councilperson Donna McAuley suggested waiting until the 2014 budget is passed before we make a decision. On another topic, Councilperson Wayne Freer spoke about having a backup bookkeeper. He cannot do the training for Harris until we have someone. We could train several people.

Councilperson Kyle Barnett suggested looking at the resume's we have on file to find a part time employee for the Recreation Dept. Applications were reviewed.

5. Citizens Concerns

Supervisor Coutant spoke on the topic of Sex Offenders in our Town. Someone has placed pictures of the offenders on telephone poles and someone hung up their pictures in the post office. It is against the law to place anything on the telephone poles. They also cannot place these pictures in the post office. The real question is where can these pictures be placed? They

can go on the Town Clerk bulletin board. The Esopus Seniors will have a representative from the Ulster County Sheriff's Office speak on the subject. How far do you want me to go with this? Councilperson Kyle Barnett asked what authority do you have? The Supervisor said you can petition those offenders to be moved. The boundary of the Capri attaches to the Wooden Wheels Roller Rink. Should we write a letter asking them to be moved? Who is responsible for placing them there? If you write a letter where do you send it? Councilperson Donna McAuley will attend the Senior Citizen Meeting.

Councilperson Wayne Freer

6. Sojourner Truth – Saturday, September 21, 2013 – 1:30 PM

The dedication of the sculpture of Sojourner Truth will take place on Saturday, Sept. 21st at 1:30 PM. We need a platform eighteen inches high for the dignitaries.

7 a. Tugboat Trail Festival – Saturday, October 19th at Noon

Our Tugboat Trail Festival where our tugboats will be auctioned will take place on Saturday, October 19th at the Town Hall from Noon until 2 PM.

7b. Channel 23

Brenda Parks, the Time Warner Representative dealing with Channel 23, has been replaced. The new person had no information about our dealings with Channel 23. The Supervisor sent copies of the communications and she will address them. This person is working is Vestal, NY.

8. Assessor's Aide Position

Councilperson Wayne Freer asked what will we do with this position? Do we want an aide or a clerk or another Deputy? Will it be a full time position with benefits? Yes, however, It will not be a Deputy. Councilperson Wayne Freer believes at some point we should talk with the new Assessor and ask for her input on the position as clerk. Councilperson Donna McAuley said the Assessor would like to interview the applicants. This should happen at our next Workshop Meeting on September 17th. We have two applications. Councilperson Barnett said Lori maybe interested. Supervisor Coutant thought we should offer it anyway.

Supervisor Coutant stated there was "scuttlebutt" going through the town that has come back to him. I want the record to reflect verbatim what I am going to say:

"It has come back to me that I committed to give someone else, other than JoAnna, the Assessors' job and that is not a fact. I committed to Lori an interview and I committed to get an interview for her. I did not commit the job to anybody. That person spreading that rumor is well known in this room."

“That is right! It is me and it came from two sources, two very reliable sources Mr. Coutant, two very reliable sources. Personally I was just going to let it lay but let me tell you one person, Lori said it directly to someone. She told someone that and the other source was definitely of a very reliable source. Lori also went to Mary Bono and she told Mary she would be the next Assessor and she would have to find someone else. I have no problem with saying yes,” said Councilperson Gloria VanVliet.

Supervisor Coutant said, “I do not know what Lori told anyone else. I have a problem Gloria because I did not do that, I did not commit to that at all and I do not like what is being said behind my back. I did not do that and you can tell Larry that too!”.

“I do not have a problem with saying yes. I was told that by told that by two different people. Larry will speak to you, he has not had the opportunity” said Councilperson VanVliet.

Supervisor Coutant said, “I hope he does, I saw him twice and he didn’t say anything.”

Councilperson VanVliet said, “because that was in public and he is not going to speak to you in public. Make sure you get all that down Town Clerk, make sure you put it all in there and I am sure that is what you wanted.” The Town Clerk said, “What I wanted?” “What he wanted and now it is there” said Councilperson VanVliet.

9. White Cane Awareness Day

A request has been received from Jaime Bunt with regard to National White Cane Awareness Day. Space is needed that would be accessible to sight impaired people in Ulster County. The Community Room will be available on October 15th at no charge.

10. Certified Marina

Councilperson Kyle Barnett met with Highway Supt. Mike Cafaldo and Sharon Jones to look at the tree which is in our right of way in Connelly. The tree is in danger of going down. Half of the roots are exposed and it is just a matter of time before it comes down. The tree should be removed. Supervisor Coutant said it could be a danger to the person removing the tree. Councilperson Barnett stated that is why we need a tree person who is bonded and has insurance. The tree will be removed but there are other issues we are facing as a Town Board. There is the frame of an old car that Ms. Jones wants removed. The car is not our problem. Councilperson Gloria VanVliet asked if the tree people know what they are dealing with? Yes.

A Motion was made by Councilperson Kyle Barnett to authorize the tree to be taken down by a certified and bonded tree service. Councilperson Donna McAuley seconded the Motion. All Town Board Members voted in favor. Motion Carried.

A Motion was made by Supervisor John Coutant and seconded by Councilperson Donna McAuley to adjourn the meeting at 9:25 PM. All Town Board Members voted in favor. Motion Carried.

Respectfully submitted,

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