

## **TOWN BOARD WORKSHOP MEETING**

**October 5, 2015**

A regularly scheduled Town Board Workshop Meeting was held on Monday October 5, 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following people in attendance:

**Supervisor Kyle Barnett**  
**Councilperson Gloria Van Vliet**  
**Councilperson Wayne Freer**  
**Councilperson Diane L. McCord**

**Recording Administrator Holly A. Netter, Town Clerk**  
**Brian Pickard CPA**  
**Debbie Kain, Bookkeeper**

**Supervisor Kyle Barnett called the meeting to order at 7:35 PM.**

### **PUBLIC COMMENT:**

**Marion Zimmer**, 152 Minturn St. Concerned with the hole next to the walking path which was dug to place the dredging from Hidden Harbor. Marion said she has been on the waterfront Advisory Board for over 20 years and she had never heard about this project. She felt the project should have been put before them for their input. Local Waterfront Revitalization Program was adopted by the Town Board in November 1987. The resolution states the LWRP proposed to preserve, protect and enhance the coastal environment and propose action that minimizes or avoids adverse environmental impact. Freer Park was listed in the Town's inventory as was listed. Current water chestnut harvesting program and recent to the picnic area has increased the usage of this facility. Future development plans to the park should include the creation of waterfront trails and provide a vantage point to view the water such as we had in the late 80's and early 90's when there was a seating area. Allowing the dumping of dredged spoils on this natural resource of the Town is not consistent with the policies of the LWRP.

**Fred Zimmer** read the following into the minutes

Probably the best place to start is with the documentation for this project, which is sketchy at best.

- 1.) I am still seeking the original written document condoning the dumping of river spoils in the town park. The DEC permit states that the spoils will be deposited on town property near George Freer

beach, failing to state that this is a town park with children as well as adults having access to the spoil area after completion.

- 2.) To my knowledge the plans and specifications have not been, and are not available to town board or their constituents. It would seem to me that this would have been a common curiosity on Hidden Harbor's part. Of particular interest is plan sheet C 103 (City Approved Dumping Location). First, it's the town not the city and who if anyone from the town signed the plan sheet and approved the dumping location. Next, plan sheet C 104 (Spoil Basin Construction (Typical)). Has anybody seen this? Eight hundred and fifty cubic yards of material is enough to fill one quarter acre over two feet.
- 3.) Is there any documentation on (Dig Safe New York). There are utilities in the area where excavation for the spoil basin has taken place, storm and sanitary sewer as well as gas. Generally gas easements or right of ways have restrictions.
- 4.) Has the soil analysis been made available? Have (Material Safety Data Sheets) been available to the public based on the soil analysis? Has anyone considered silicosis?

Now let's move on to performance, which has been dismal at best. The stop work order for the silt fence has been in effect for over a week with only a minimal effort put forth to improve the situation. At a minimum the town should require the following;

- 1.) A materials and performance bond of a letter of credit for an amount to be determined should be in place.
- 2.) An escrow account should be set up to hire a qualified person to insure the plans, specifications and permit is being adhered too.
- 3.) The escrow should also include enough money to include soil sampling and testing to insure that material placed on town property is indeed the same as presented to the DEC for the permit.
- 4.) Finished grading should be to the town's satisfaction.
- 5.) **A maximum moisture content should be established and a minimum percent of compaction.**

With that said, let's consider the town boards responsibility to their constituents.

- 1.) Most important is the health welfare and safety of their constituents. Remembering that this is a recreation area to be enjoyed by the public. (our children)
- 2.) Is this project in the best interest of the town? What does this project contribute to our town? It should be" what can be done for the town, not what can the town do for me."

In closing, I ask the town board to consider a resolution to prohibit the dumping of river spoils in the town park, like the sign in the park says "No Dumping". Any previous decisions can always be revised or overturned.

**Diane Dintruff** of Minturn Street said during last week's light to light house ramble they included a walking path to view the boatman's shrine and the event brought in people from out of the area Saratoga and Beacon. The grounds are to benefit everyone.

**Kathy Quick**, Hildebrandt Lane and Chairman of the Waterfront Advisory committee asked for an update on the letters missing from the dock at Sleightsburgh Park. Supervisor Barnett said he personally was looking online for durable lettering and has asked Dan Vedder to do the same. There are a few vendors online and Supervisor Barnett would like to get samples so by the spring the letters can be replaced.

Supervisor Barnett Closed Public Comment and thanked everyone for providing the information to the Board. This agreement was made several years ago with the late Supervisor John Coutant. It clearly should have gone through a more formal process. Supervisor Barnett said this was a learning experience and hoped to be able move forward finding a happy medium; Jack Weishaupt from Hidden Harbor was on the agenda for this meeting. Matters like these will be dealt with differently in the future.

### **BUDGET – BRIAN PICKARD**

Supervisor Barnett said he proposed a budget which reflects the hard work the Town Board has been doing over the past few years. They have been trying to be fiscally responsible and have built up some appropriated balances which were able to be used to deliver a zero increase in the town wide tax levy. There is still a lot of work to be done. We need to increase tax base and we will need a long term plan. \$50,000 has been reserved to develop a new comprehensive plan and make the necessary changes to attract business to the area. Public Hearing for the Budget will be held on October 15, 2015 at 7:15 pm. Supervisor Barnett said this is the first time since he has been on the Board that the budget has been done before Election Day. He thanked the Board for their hard work and support.

### **Hidden Harbor –Jack Weishaupt**

Jack Weishaupt said he hears the concerns and Hidden Harbor try to be a good neighbor to the town. Hidden Harbor understands the concern of the silting. They needed a place to put the spoils and the easiest location was at the end of Tilden Street. They have cut back the amount of dredging to 400 sq. yards. Jack recalled talking to Supervisor Coutant and said he was super receptive to the idea in 2012. Spoils testing was done and given to Supervisor Barnett. According to the testing company Atlantic Industry in Highland, there are no PCB's. There is a 100 page report which Mr. Weishaupt said he could make available. Permits have been received. Supervisor Barnett asked for a copy of the detailed report and the information that had been sent to the DEC. Mr. Weishaupt offered to stay and answer questions from the audience while the Board went into Executive Session.

**A MOTION WAS MADE BY COUNCIL WAYNE FREER TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER AND WAS SECONDED BY COUNCILPERSON DIANE MCCORD AT 8:00PM KATHY KIERNAN WAS INVITED IN TO THE EXECUTIVE SESSION.**

**COUNCILPERSON FREER MADE A MOTION TO EXIT THE EXECUTIVE SESSSION AT 8:30 PM AND WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED. NO ACTION TAKEN.**

### **Michael Piazza – Kosco Property**

Michael Piazza and Paul Jankowicz made a presentation of their idea to develop the KOSCO property. They would like the Board to consider the rezoning of the KOSCO property to a residential zone. They proposed a 48 apartment complex, small marina and small pavilion on the waterfront with a boat launch. A series of garden apartments elevated with the garages under the building with 2 floors of apartments with balconies overlooking the Rondout Creek. Demographics would be 1 bedroom 1000 sq. ft and a small percentage of 2 bedrooms apartments costing approximately \$1500/month. This was just a preliminary view and to see if the Town would consider the rezoning of this area. They would like to utilize the hilly area to their advantage to step the apartments to maximize the view. Supervisor Barnett said he would like to see something useful done with the property but a development with lower density may accommodate the people already residing in that area and preserve the view shed. Piazza and Jankowicz asked if the town may entertain the idea of the rezoning. Supervisor Barnett said they would further the conversation.

### **Retiree Insurance Contribution**

Supervisor Barnett said he discovered there were two retirees that should be contributing toward their premium and have not been. One individual should contribute 10% and the other 5% according to the contract when the policy went into effect. The Town renews our contract on December 1st. A letter will go out to Fred Becker informing him of the need to contribute 10% and Fred Jones who will need to contribute 5% starting in 2016. It was always part of the contract, but needs to be enforced.

### **Health Insurance**

There are two choices for health care: MVP 3 silver plan and a CDPHP plan. The CDPHP plan is not the same as the current plan. The Union is concerned that the MVP plan will not have the same providers as CDPHP. Comparison of the plans and concerns with each were discussed. Supervisor Barnett made the offer of the MVP 3 silver plan to the Union Negotiator Mike Kutski. Supervisor Barnett will give them opportunity to discuss it and hear the Union members' suggestions.

**Resolution to Sign Contract – Presentation Church**

TOWN OF ESOPUS  
RESOLUTION AUTHORIZING THE TOWN SUPERVISOR  
TO SIGN CONTRACT OF SALE  
TOWN OF ESOPUS AND CHURCH OF THE PRESENTATION

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

WHEREAS, the Town Board of the Town of Esopus has received and reviewed the Contract of Sale with seller’s rider and an addendum between the Town of Esopus and Church of the Presentation of the Blessed Virgin Mary,

WHEREAS, the seller requires a \$4,000 deposit payable to J. Michael Bruhn, escrow agent,

THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board authorizes the Town Supervisor Kyle W. Barnett to sign the Contract of Sale and authorize the issuance of a check in the amount of \$4,000 on behalf of the Town of Esopus.

Resolution offered by: Councilperson Gloria Van Vliet  
Resolution seconded by: Councilperson Diane McCord

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Diane McCord	AYE
Supervisor Kyle Barnett	AYE

**Resolution – Propane Bid**

**Resolution  
Propane Bids**

**Whereas,** The Port Ewen Water/Sewer District advertised and received bids for Propane to be supplied for a period of (1) one year, beginning October 1, 2015 and ending September 30, 2016.

**Whereas,** bids were received and opened at the office of the Town of Esopus Town Clerk, on September 28, 2015.

**Whereas**, the lowest bidder for Propane was Heritage Energy, PO Box 797, Lake Katrine, NY 12449, at a price of \$ 0.97 per gallon.

**Therefore**, be it resolved that the Town of Esopus Town Board award the bid to Heritage Energy.

Resolution offered by: Supervisor Barnett  
Seconded by: Councilman Wayne Freer

The Board was polled

Councilperson Wayne Freer	AYE
Councilperson Gloria VanVliet	AYE
Councilperson Diane McCord	AYE
Supervisor Kyle Barnett	AYE

### **Transfer Station Rebid**

Supervisor Barnett asked the Town Board members to review the prior Transfer Station RFP and make any suggestions they may have. Changes to the RFP will need to be made prior to going out for rebid regarding the insurance requirement. The Board will review this topic at a future meeting and will have to decide what to do about the Transfer Station going forward. The Bid will be for a 3 day and 5 day operation.

### **ADJOURNMENT**

**A MOTION TO ADJOURN AT 9:10 PM WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.**

**Respectfully submitted,**

**Holly A. Netter  
Town Clerk**