

**TOWN OF ESOPUS
TOWN BOARD MEETING
January 19, 2023 7:00 PM**

A regularly scheduled Town Board Meeting was held on January 19, 2023 in person at 1 Town Hall Way, Ulster Park. Meeting was also available on TV 23, available via zoom and Live Streamed on the Town of Esopus Facebook page. The following persons in attendance:

**Councilman Laura Robinson
Councilman Evelyn Clarke
Councilman Kathie Quick
Councilman Jared Guess
Supervisor Danielle Freer**

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

4 WAYS TO GIVE PUBLIC COMMENT:

- 1.) **In-Person – Attend the Workshop**
- 2.) **Phone in: Leave voicemail on 845 331 0676 prior to the meeting**
- 3.) **EMAIL – lreynolds@esopus.com with the subject line “Public Comment”**
- 4.) **MAIL – mail written comments to:
*Town of Esopus, P.O. Box 700
Port Ewen, NY 12466***

Supervisor Danielle Freer called the meeting to order at 7 pm.

PLEDGE TO THE FLAG

PUBLIC COMMENT

Roger Burgold, 676 Old Post Rd. said he had signed petitions asking for the Board to reopen the already written and paid for Noise Ordinance Law. He understood there was resistance to this law and the Board was told the law could not be enforced. He has testimony from law enforcement agents from neighboring municipalities who have noise ordinances and they said it is enforceable. Non noise makers express their gratitude to law enforcement for doing their job. Residents see it as a quality-of-life improvement. Mr. Burgold said he respectfully requests the Board to reopen the Noise Ordinance with an eye to make it a law, preferably at the next meeting.

Rebecca Blackmore, 205 Union Center Rd., seconds Roger’s request to bring back the Local Law on the Noise Ordinance and pass it. She read the following:

Inadequately controlled noise adversely affects people's health, safety, quality of life, and property values. Excessive human-created noise also harms the environment by causing wildlife to shift habitats and hours of wakefulness.

I strongly support Esopus adopting a noise ordinance to improve the quality of life for residents of our town and to give law enforcement clear guidelines and parameters to which they can point in the event of a disturbance, thus making it easier on them when called to respond.

I am disappointed that the town put so much time and financial resources into the drafting of a detailed, clear, and intelligent proposed noise ordinance only to dismiss it last winter under the supposition that it would be unenforceable. Then only a couple months later the Town Board passes a law around campsites at the marina that contained vague, difficult to enforce guidelines around noise for those campsites. There is an element of hypocrisy between these two motions and votes that are jarring and frankly disappointing.

Esopus should be a place people want to move to and stay in for years and years. It is beautiful and full of wonderful people. I hope the Town Board will reconsider the well-drafted and already paid for Noise Ordinance that was up for a vote last year in order to ensure a high standard for quality of life for the residents of Esopus.

Chris Farrell, Hardenburgh Road read the following statement:

In 2018 the Town of Esopus began its first steps in the long overdue revision of the Town's Comprehensive Plan. The process was led by the leadership of, Jared Geuss and Shannon Harris, and they did an excellent job with professional guidance from the Laberge Group. Initially hundreds of Esopus Town residents provided input. The result from long planning and discussions was revised Zoning Ordinance, an Abandoned Vehicle law, a Property Maintenance Law, and a Rental Property Registration. Another law that was supported in the initial planning process was a Noise Ordinance. It went through several hearings and a revision and was ready for a vote in December of 2021. In January of 2022 one of the first actions from the new Town Board was to drop the consideration of the Noise Ordinance after spending thousands of dollars with consultants from Laberge revising it to what was one of the finest Noise Ordinances ever written. It covered business interests, development issues and most importantly it insured an improved quality of life for all Esopus Residents. I ask that the Board do their job and finish this task that was supported by the public during the planning meetings back in 2018 and 2019 and adopt the last iteration of the Noise Ordinance. It is practical, fair, reasonable and most of all enforceable.

Barbara Carroll Old Post Road agreed with everything everyone had said before.

Mara Didonna, Dick Williams Lane agreed with everyone before her and asked the Board to reconsider the Noise Ordinance. Neighbors are disrupting many Birchez residents, and she is speaking for many elderly people who cannot come speak from themselves. There are neighbors living across the street who have 3 racing cars, 2 ATVs, motorboats etc., who work on these vehicles every weekend which ruins their(seniors) lives with noise. She played clips of the noise created by her neighbors. She said they deal with it ever weekend all day long. Cars go up and down all day long. Fumes also go into their apartments that come out of their garage. The neighbors do not care – she said the people have money to rent another place so they can enjoy what they want to do and let the Birchez residents have their peace. Some of the noises sound like gunshots and are disturbing.

Cristina Fabbie 12 Four Sisters Lane asked the Board for the status/update on the pickleball courts. Bridget McGrew is still interested in helping and she wants to give input when it is getting done to ensure it is properly installed. She gave an example of little things such as putting poles in so they can take them out during winter months.

*Supervisor Freer replied the Town still intends to put it in but they didn't get to it in time this fall. She will touch base in the spring when the project starts up and welcomes input on how to do this properly.

Steven Bailer 14 Poptown Road, has been building his home and hopes to move in early spring. He came to address accusations made by Roger Burgold during public comment at the November 2022 meeting, regarding hours of construction and harassing noise between 4:30 am and 5 am. This is not true, he never started before 7 am at any point. He installed video in November that records movement on the property and offered the Board to look at it. The video documents contractor's coming and going. He said the statement of shining lights into Burgold's property was also false. He is several hundred feet through a wooded lot and at a different elevation. He was accused of having the police called to his property, which he said has not happened. He has been in compliance with the building code and in communication with Building Inspectors Mark Jaffee and Sal Morello. Steven said they have had nothing but good things to say about the build. ATV accusations are fabrications. Petitions from neighbors are fed off of propaganda; no facts backing it. He thinks it is pathetic that a neighbor makes accusations to promote his own personal agenda. Steven and his wife have brushed this off for a few years and have had enough. They are in the process of seeking legal action and are meeting with a lawyer. Mr. Bailer asked the Town Board to require evidence to back this up before spending more time on the Noise Ordinance. He is certain that nothing substantial can be produced. Mr. Bailer offered to submit his video footage for the Board to review.

Supervisor Danielle Freer replied on the Noise Ordinance topic. She worked really hard digging into this when she got in. She worked with the Building Department, Code Enforcer and Sheriff Juan Figeroa to discuss what the issues were and what could be done. All this is documented in the minutes from last year and she encouraged everyone to look at them to understand the

research that was done and conversations that were had. Supervisor Freer has not received any noise complaints from anyone in town besides Mr. Burgold and the same goes for Sherriff Figueroa. This is not a town wide issue as she said last year; what you are dealing with is a neighborly issue. At this time the Board has no plans to bring this Law back to the table. Supervisor Freer said she is willing to chat with each of them regarding individual circumstances. But again, there is no plan to bring this law back to the table.

Councilman Jared Geuss read a portion NY Penal code 240.20 which makes situations enforceable through law enforcement without a need for a noise ordinance. A lot of neighborly disputes can be addressed without the Noise Ordinance. He responded to Ms. Blackmore regarding the campsites. The code allows for us to work with the business entities on the regulation of the campground. The operation of the site is governed by the Planning Board and Building Department who state the operational hours and set the rules for the operation of the property. We want everyone to be a good neighbor. We do not want to hurt any commercial entities as well. That doesn't always work out and people don't always see eye to eye but for the town to keep getting involved in neighborly squabbles doesn't benefit the Town for a 1 to 2 case basis. There is the penal law to handle these matters.

Received via email:

Subject: *Public comment*

I understand the subject of the noise ordinance has come up again. The Town of Esopus needs a noise ordinance. A great deal of hard work and money already went into one. I was on the joint task force and I know more time was spent on it after what the task force did. I understand there were problems. It's impossible for anything like that to be perfect for everyone involved. I urge the board to pass a noise ordinance, sooner rather than later.

*Diane Hull
Connelly*

SUPERVISOR DANIELLE FREER MADE A MOTION TO CLOSE THE PUBLIC COMMENT. THE MOTION WAS SECONDED BY LAURA ROBINSON. ALL WERE IN FAVOR. MOTION CARRIED.

ARCHTOP FIBER PRESENTATION BY SHAWN BEQAJ

Archtop gave a presentation promoting their mission to bring the fastest, most reliable, environmentally friendly, and affordable Internet access to underserved communities.

- \$350 Million Private Funding
- New York-based company invested in New York
- Local leadership provides an open channel of communication

- Developed successful private-public partnerships for decades working with communities both large and small; urban and rural

Proudly invested in empowering day-to-day life, bringing the digital world to communities and its businesses, schools, libraries, hospitals, farms and community centers.

Utilizing Broadband Grant programs, and Public/Private partnerships, Archtop Fiber will lay the groundwork for sustainable economic growth, improved education, public safety, and health care throughout the county.

Local Municipalities and Archtop Fiber will work closely to monitor developments, apply for and secure public funding to address unserved/underserved residents and businesses through the following programs:

- Broadband Equity, Access & Deployment (BEAD): \$42B total federal funding pool, initial \$100M to each state. NYS applies for funding and ad.
- Related Programs: ministered through the assistance of New York State Broadband Office. Enabling Middle Mile Broadband Infrastructure Program (\$1B), Broadband Infrastructure Program (\$288M), Broadband Technology Opportunities Program (BTOP).
- American Rescue Plan Act (ARAP)
- NYS Connect ALL Program: \$500M infrastructure investment including new matching grant programs to support local efforts to expand broadband access.

Archtech uses a Microtrenching technique which involves digging a narrow trench of 1/2 to 2 inches wide and up to two feet deep. These trenches can then hold multiple conduits for fiber. Microduct is installed in the bottom of the trench and then backfilled and sealed, speeding up the project. The process is fast, and usually only shuts down one lane of traffic for less than a day—reducing disruption for everyone. Vehicles can drive over the cuts. They will be starting in May or June in Kingston and Saugerties. Process is safe, clean and state of the art.

A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO AUTHORIZE SUPERVISOR FREER TO SIGN THE BROADBAND FUNDING AND DEVELOPMENT AGREEMENT CONTINGENT UPON ATTORNEY REVIEW. THE MOTION WAS SECONDED BY LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

SENIOR CITIZENS TAX EXEMPTION MAILING

The Governor recently passed a bill which prompted the Board to introduce these four laws. Supervisor Freer said we took this opportunity to strategically look at income thresholds of our exemption classes for low income senior citizens, disabled and vets which haven't been updated in ten years so that we can keep up with the federal government on reasonable income levels for our residents (coming out of COVID, the

8% social security bump), as well as a new exemption for volunteer fire fighters and ambulance workers.

INTRODUCTION OF LOCAL LAWS 1-4 OF 2023 REGARDING TAX EXEMPTION OPPORTUNITY

RESOLUTION

SUPERVISOR DANIELLE FREER, seconded by **COUNCILMAN LAURA ROBINSON**, introduced the following proposed local law, to be known as **Local Law No. 1 of 2023**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 109, "TAXATION", OF THE ESOPUS TOWN CODE BY AMENDING ARTICLE I TO READ SENIOR CITIZENS AND PERSONS WITH DISABILITIES AND LIMITED INCOME AND REMOVING SECTION 109-1 AND REPLACING IT WITH THE FOLLOWING LOCAL LAW INCREASING INCOME ELIGIBILITY OF SENIOR CITIZEN TAX EXEMPTION AND EXEMPTIONS FOR PERSONS WITH DISABILITIES.

BE IT ENACTED by the Town Board of the Town of Esopus as follows:

Section 1. Esopus Town Chapter 109 of the Esopus Town Code is amended by amending Article 1 to read Senior Citizens and Persons with Disabilities and Limited Income and by removing Section 109-1 and replacing it with the following new Section 109-1 which shall read as follows:

§109-1 Senior Citizens and Persons with Disabilities, Tax Exemption; Amount; Exceptions.

- A. **Senior Citizens:** Real property situate within the bounds of the Town of Esopus, Ulster County, New York, owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation for real estate taxes to be levied by the Town of Esopus by the percentage of exemption specified for the annual income ranges listed below. Such exemption shall be based upon the assessed valuation of the exempt real property and shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed. For the purposes of this Section, "sibling" shall mean a brother or sister, whether related through half blood, whole blood or adoption.
- B. **Persons with Disabilities.** In accordance with the authorization of subdivision 1 of § 459-c of the Real Property Tax Law, a partial exemption from real property taxation by the Town of Esopus is granted for property described in § 459-c of the Real Property Tax Law in accordance with the annual income ranges listed below.

| Annual Income Ranges | Percentage of Assessed Valuation Exempt from Taxation |
|--|---|
| \$41,600 or less | 50% |
| More than \$41,600, but less than \$42,600 | 45% |
| \$42,600 or more, but less than \$43,600 | 40% |
| \$43,600 or more, but less than \$44,600 | 35% |
| \$44,600 or more, but less than \$45,500 | 30% |
| \$45,500 or more, but less than \$46,400 | 25% |
| \$46,400 or more, but less than \$47,300 | 20% |
| \$47,300 or more, but less than \$48,200 | 15% |
| \$48,200 or more, but less than \$49,100 | 10% |
| \$49,100 or more, but less than \$50,000 | 5% |
| \$50,100 or more | 0% |

Section 2. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 3. This Local Law is adopted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York Real Property Tax Law § 467 to advance and protect the health, safety, and welfare of the Town.

Section 4. This local law shall take effect immediately upon filing with this state's Secretary of State.

SUPERVISOR FREER advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She offered the following resolution which was seconded by **COUNCILMAN LAURA ROBINSON** who moved its adoption:

WHEREAS, on **January 19, 2023**, **Supervisor Danielle Freer** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus Local Law No 1 of the Year 2023, a local law of the Town of Esopus, Ulster County, New York amending Chapter 109, “Taxation”, of the Esopus Town Code by amending Article I to read Senior Citizens and Persons with Disabilities and Limited Income and removing Section 109-1 and replacing it with the a Local Law increasing income eligibility of senior citizen tax exemption and exemptions for persons with disabilities and limited income.

WHEREAS, this legislation is a Type II Action under the New York State Environmental Quality Review Act ("SEQRA") and will not have a significant adverse effect on the environment.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on **February 2, at 6:45 o'clock p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on **February 2, at 6:45 o'clock p.m.**, on **Local Law No.1 of the Year 2023, amending Chapter 109 "Taxation", of the Esopus Town Code by amending Article I to read Senior Citizens and Persons with Disabilities and Limited Income and removing Section 109-1 and replacing it with the a Local Law increasing income eligibility of senior citizen tax exemption and exemption for persons with disabilities and limited income.**

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at www.esopus.com and at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested, and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Ulster Park, New York

January 19, 2023

HOLLY A. NETTER, TOWN CLERK, RMC

The foregoing resolution was voted upon with all councilmen voting as follows:

| | |
|----------------------------------|------------|
| COUNCILMAN LAURA ROBINSON | AYE |
| COUNCILMAN EVELYN CLARKE | AYE |
| COUNCILMAN KATHIE QUICK | AYE |
| COUNCILMAN JARED GEUSS | AYE |
| SUPERVISOR DANIELLE FREER | AYE |

Resolution duly adopted.

RESOLUTION

SUPERVISOR DANIELLE FREER, seconded by **COUNCILMAN LAURA ROBINSON** introduced the following proposed local law, to be known as **Local Law No. 2 of 2023**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 109, "TAXATION", OF THE ESOPUS TOWN CODE BY ADDING ARTICLE VI TO AUTHORIZE A PARTIAL EXEMPTION FROM TAXATION FOR QUALIFYING VOLUNTEER FIREFIGHTERS AND EMT WORKERS IN THE TOWN OF ESOPUS.

BE IT ENACTED by the Town Board of the Town of Esopus as follows:

Section 1. The purpose of this Article is to grant a partial exemption from taxation for qualifying volunteer firefighters and EMT workers in the Town of Esopus ("Town") as authorized by §466-a of the Real Property Tax Law.

Section 2. Exemption granted.

- A. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town shall be exempt from taxation to the extent of up to ten percent of the assessed value of such property for town, special district, or fire district, exclusive of special assessments.
- B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such the Town unless:
 - 1. the applicant resides in the Town which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
 - 2. the property is the primary residence of the applicant;
 - 3. the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
 - 4. the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service, as determined by the governing body of a Town; provided, however,

that such governing body shall establish a minimum service requirement for each applicant of two years.

- C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within Town.
- D. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty shall be entitled to continue an exemption or reinstate a pre-existing exemption claimed under this Article by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:
 - 1. such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and
 - 2. such deceased volunteer had been an enrolled member for at least five years; and
 - 3. such deceased volunteer had been receiving the exemption prior to his or her death.
- E. Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers shall be entitled to continue an exemption or reinstate a pre-existing exemption to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:
 - 1. such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and
 - 2. such deceased volunteer had been an enrolled member for at least twenty years; and
 - 3. such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

- F. Application for such exemption shall be filed with the assessor or other agency, department or office designated by the municipality, school district and/or fire district offering such exemption on or before the taxable status date on a form as prescribed by the commissioner.
- G. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

Section 3. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. This Local Law is adopted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York Real Property Tax Law §§ 466-a to advance and protect the health, safety, and welfare of the Town.

Section 5. This local law shall take effect immediately upon filing with this state's Secretary of State.

SUPERVISOR FREER advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She offered the following resolution which was seconded by **COUNCILMAN LAURA ROBINSON** who moved its adoption:

WHEREAS, **on January 19, 2023, Supervisor Danielle Freer** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus **Local Law No 2 of the Year 2023**, a local law of the Town of Esopus, Ulster County, New York amending Chapter 109, “Taxation” by adding Article VI to authorize a partial exemption from taxation for qualifying volunteer firefighters and EMT workers in the Town of Esopus.

WHEREAS, this legislation is a Type II Action under the New York State Environmental Quality Review Act (“SEQRA”) and will not have a significant adverse effect on the environment.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on **February 2, at 6:45 o’clock p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form: **NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on **February 2 at 6:45 p.m.**, on **Local Law No. 2 of the Year 2023, amending Chapter 109 "Taxation", of the Esopus Town Code by adding Article VI to authorize a partial exemption from taxation for qualifying volunteer firefighters and EMT workers in the Town of Esopus.**

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at www.esopus.com and at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested, and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Ulster Park, New York
January 19, 2023
HOLLY A. NETTER, TOWN CLERK, RMC

The foregoing resolution was voted upon with all councilmen voting as follows:

| | |
|----------------------------------|------------|
| COUNCILMAN LAURA ROBINSON | AYE |
| COUNCILMAN EVELYN CLARKE | AYE |
| COUNCILMAN KATHIE QUICK | AYE |
| COUNCILMAN JARED GEUSS | AYE |
| SUPERVISOR DANIELLE FREER | AYE |

Resolution duly adopted.

RESOLUTION

SUPERVISOR DANIELLE FREER, seconded by **COUNCILMAN KATHIE QUICK**, introduced the following proposed local law, to be known as **Local Law No. 3 of 2023**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 109, "TAXATION", OF THE ESOPUS TOWN CODE BY REMOVING SECTION 109-14 AND REPLACING IT WITH THE FOLLOWING LOCAL LAW INCREASING THE MAXIMUM ALLOWABLE ALTERNATIVE VETERANS EXEMPTION.

BE IT ENACTED by the Town Board of the Town of Esopus ("Town") as follows:

Section 1. Esopus Town Chapter 109 of the Esopus Town Code is amended by removing Section 109-14 and replacing it with the following new Section 109-14 which shall read as follows:

§ 109-14. Alternative Veterans Exemption

- A. The real property tax exemptions provided in NY Real Property Tax Law §458-a (entitled "Veterans, alternative exemption") shall be available to those eligible veterans and other qualified

owners in the Town subject to the requirements and limitations set forth in NY Real Property Tax Law § 458-a and in this Article.

B. Maximum Allowable Exemptions

1. Qualifying residential real property, as that term is defined in NY Real Property Tax Law § 458-a(1)(d), shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed forty-five thousand dollars (\$45,000) or the product of forty-five thousand dollars (\$45,000) multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.
2. In addition to the exemption provided by paragraph (A) & (B)(1) of this Section, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed thirty thousand dollars (\$30,000) or the product of thirty thousand dollars (\$30,000) multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the class ratio, whichever is less.
3. In addition to the exemptions provided by paragraphs (A), (B)(1) and (B)(2) of this Section, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability rating; provided, however, that such exemption shall not exceed one hundred fifty thousand dollars (\$150,000) or the product of one hundred fifty thousand dollars (\$150,000) multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less. For purposes of this paragraph, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

Section 2. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 3. This Local Law is adopted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York Real Property Tax Law § 458-a to advance and protect the health, safety, and welfare of the Town.

Section 4. This local law shall take effect immediately upon filing with this state's Secretary of State.

SUPERVISOR FREER advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She offered the following resolution which was seconded by **COUNCILMAN KATHIE QUICK** who moved its adoption:

WHEREAS, on **January 19, 2023**, **Supervisor Danielle Freer** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus **Local Law No. 3 of 2023**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 109, “TAXATION”, OF THE ESOPUS TOWN CODE BY REMOVING SECTION 109-14 AND REPLACING IT WITH THE FOLLOWING LOCAL LAW INCREASING THE MAXIMUM ALLOWABLE ALTERNATIVE VETERANS EXEMPTION.

WHEREAS, this legislation is a Type II Action under the New York State Environmental Quality Review Act (“SEQRA”) and will not have a significant adverse effect on the environment.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on **February 2, 2023, at 6:45 o’clock p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on **February 2 at 6:45 p.m.**, on **Local Law No. 3 of the Year 2023, amending Chapter 109 “Taxation”, of the Esopus Town Code by removing section 109-14 and replacing it with a local law increasing the maximum allowable alternative veterans exemption.**

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at www.esopus.com and at the office of the Clerk of the Town of Esopus, at the Town Hall, 1

Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested, and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Ulster Park, New York

January 19, 2023

HOLLY A. NETTER, TOWN CLERK, RMC

The foregoing resolution was voted upon with all councilmen voting as follows:

| | |
|----------------------------------|------------|
| COUNCILMAN LAURA ROBINSON | AYE |
| COUNCILMAN EVELYN CLARKE | AYE |
| COUNCILMAN KATHIE QUICK | AYE |
| COUNCILMAN JARED GEUSS | AYE |
| SUPERVISOR DANIELLE FREER | AYE |

Resolution duly adopted.

RESOLUTION

SUPERVISOR DANIELLE FREER, seconded by **COUNCILMAN KATHIE QUICK**, introduced the following proposed local law, to be known as **Local Law No. 4 of 2023**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 109, "TAXATION", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 109-17 ALLOWING A PARTIAL EXEMPTION FOR COLD WAR VETERANS WITH DISABILITY AND SECTION 109-18 LENGTH OF EXEMPTION.

BE IT ENACTED by the Town Board of the Town of Esopus ("Town") as follows:

Section 1. Esopus Town Chapter 109-17 of the Esopus Town Code is amended to label the first paragraph as paragraph A and adding paragraphs B and C which shall read as follows:

§ 109-17. Exemption amount

- A. The maximum exemptions allowable from Town real property taxation pursuant to § 458-b of the Real Property Tax Law shall be 15% of the assessed value of said real property; provided however that said exemption shall not exceed \$45,000 or the product of \$45,000 multiplied by the latest state equalization rate for the Town of Esopus.
- B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such

exemption shall not exceed one hundred fifty thousand dollars (\$150,000) or the product of one hundred fifty thousand dollars (\$150,000) multiplied by the latest state equalization rate for the Town of Esopus.

- C. If a Cold War veteran receives either a veterans' exemption authorized by NY Real Property Tax Law § 458 or an alternative veterans' exemption authorized by NY Real Property Tax Law § 458-a, the Cold War veteran shall not be eligible to receive an exemption under this article.

Section 2. Esopus Town Chapter 109-18 of the Esopus Town Code is replaced in its entirety with the following:

§109-18 Length of Exemption

In accordance with the provisions of NY Real Property Tax Law § 458-b, the exemptions provided in Section 109-17 (A) and (B) of this Article shall apply to qualified owners of qualified residential property for as long as they remain qualified owners.

Section 3. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. This Local Law is adopted pursuant to the New York State Constitution, New York Municipal Home Rule Law § 10, and New York Real Property Tax Law § 458-b to advance and protect the health, safety, and welfare of the Town.

Section 5. This local law shall take effect immediately upon filing with this state's Secretary of State.

SUPERVISOR FREER advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She offered the following resolution which was seconded by **COUNCILMAN KATHIE QUICK** who moved its adoption:

WHEREAS, **on January 19, 2023, Supervisor Danielle Freer** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus Local **Law No 4 of the Year 2023**, a local law of the Town of Esopus, Ulster County, New York amending Chapter 109, “Taxation”, of the Esopus Town Code by amending Section 109-17 allowing a partial exemption for Cold War Veterans with disability and Section 109-18, length of exemption.

WHEREAS, this legislation is a Type II Action under the New York State Environmental Quality Review Act (“SEQRA”) and will not have a significant adverse effect on the environment.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on **February 2, at 6:45 o'clock p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town HallWay, Ulster Park, New York on **February 2, 2023 at 6:45 p.m.**, on **Local Law No. 4 of the Year 2023, amending Chapter 109 "Taxation", of the Esopus Town Code by amending Section 109-17 allowing a partial exemption for Cold War Veterans with disability and replacing Section 109-18, length of exemption.**

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at www.esopus.com and at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested, and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Ulster Park, New York
January 19, 2023
HOLLY A. NETTER, TOWN CLERK, RMC

The foregoing resolution was voted upon with all councilmen voting as follows:

| | |
|----------------------------------|------------|
| COUNCILMAN LAURA ROBINSON | AYE |
| COUNCILMAN EVELYN CLARKE | AYE |
| COUNCILMAN KATHIE QUICK | AYE |
| COUNCILMAN JARED GEUSS | AYE |
| SUPERVISOR DANIELLE FREER | AYE |

Resolution duly adopted.

A MOTION WAS MADE BY COUNCILMAN JARED GEUSS TO AUTHORIZE THE ASSESSOR TO MAIL A "SECOND NOTICE" TO ALL RESIDENTIAL PROPERTY OWNERS NOTIFYING THEM OF THEIR ELIGIBILITY FOR SENIOR CITIZEN TAX EXEMPTIONS, AS WELL AS INFORMATION ON HOW TO APPLY FOR THE EXEMPTIONS (SEE REAL PROPERTY TAX LAW SECTION 467). THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL

Amendment Highlights: **Voting membership.** Dutchess and Ulster County have been added as members of the Hudson 7 with voting privileges for both Counties. They will each appoint their representative to the Hudson 7. Ulster County was not looking for voting opportunity originally and now they are. Supervisor Freer is happy they now show interest in having a vote.

Contributions. Language has been amended to include the contributions as being “up to” a certain dollar amount annually and a total contribution amount over the years with a “not to exceed” total. This will cover the expense if someone quits or there is a gap in time when hiring someone, the Hudson 7 will not be bound to pay the full annual amount. **Prorated Coordinator salary.** A new paragraph was added to indicate that the coordinators’ “salary” would be prorated depending on their start date.

A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO SIGN THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL MEMORANDUM OF AGREEMENT AMENDMENT #1 (REVISED NOVEMBER 2022 AS WRITTEN.) THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

ANNUAL CONTRACT RENEWALS FOR TEVAS, KLYNE MUSEUM, UCSPCA, EAP, MARSHALL & STERLING, NYMIR

Overview of changes Amount raised for TEVAS from \$25,000 to \$40,000 one of three municipalities that still use a volunteer Ambulance squad who handle a significant amount of calls per year. Supervisor Freer thanked everyone for their service. Marshall & Sterling acquired Quilty Dwyer & Larkin. UCSPCA raised their Boarding cost to \$25 per day.

A MOTION WAS MADE BY SUPERVISOR FREER TO AUTHORIZE SUPERVISOR FREER TO SIGN THE ANNUAL CONTRACTS FOR TEVAS IN THE AMOUNT OF \$40,000, KLYNE MUSEUM IN THE AMOUNT OF \$3,000, THE ULSTER COUNTY SPCA CONTRACT AS WRITTEN FOR THE BOARDING/CARING OF DOGS FOR THE TOWN OF ESOPUS, THE EMPLOYEE ASSISTANCE PROGRAM (EAP) OF THE MID-HUDSON VALLEY TO PROVIDE EAP/SAP SERVICES TO EMPLOYEES AT THE AMOUNT OF \$1,081.00. THE MARSHALL & STERLING INSURANCE CONTRACT FOR THE WATER DEPARTMENT IN THE AMOUNT OF \$29,836.11 AND THE GENERAL NYMIR PREMIUM POLICY IN THE AMOUNT OF \$126,302.04. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

INCREASE DOG BOARDING FEE

RESOLUTION TO INCREASE DOG BOARDING FEE

WHEREAS, the Town of Esopus Town Board, County of Ulster, State of New York, has recognized the need to increase the Town of Esopus Dog Boarding Fee from \$20.00 to \$25,00 effective immediately to cover the cost increase imposed by the 2023 annual Ulster County SPCA contract.

THEREFORE BE IT RESOLVED, that the Town of Esopus Town Board approves the fee increase to \$25.00 effective immediately.

RESOLUTION OFFERED BY: SUPERVISOR FREER
RESOLUTION OFFERED BY: COUNCILPERSON GEUSS

COUNCILMAN LAURA ROBINSON AYE
COUNCILMAN EVELYN CLARKE AYE
COUNCILMAN KATHIE QUICK AYE
COUNCILMAN JARED GEUSS AYE
SUPERVISOR DANIELLE FREER AYE

Resolution duly adopted.

BOARD APPOINTMENTS

SUPERVISOR FREER MADE A MOTION TO APPOINT THE FOLLOWING INDIVIDUALS

| | | |
|-------------------------|---------------------------------|--------------------------------|
| FRED ZIMMER | PLANNING BOARD ALTERNATE | TERM TO EXPIRE 12/31/23 |
| KEVIN BOLLER JR. | PARKS AND REC COMMISSION | TERM TO EXPIRE 12/31/27 |
| CYNTHIA MCVAY | ENVIRONMENTAL BD MEMBER | TERM TO EXPIRE 12/31/24 |

THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

TECKON – TOWN HALL REPAIRS

A MOTION WAS MADE BY COUNCILMAN JARED GEUSS TO APPROVE THE WORK ORDER FOR TEKCON HEATING AND COOLING TO REPLACE THE ACTUATOR IN THE RECORDS ROOM AND THE CIRCULATOR PUMP IN THE SHERIFF’S STATION IN THE AMOUNT OF \$3,314.00. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

MISCELLANEOUS

Waterfront Revitalization Program Open House 1/25/2023 at Town Hall. Walk in 5pm–6:30 pm, presentation and community discussion 7 pm – 8:30 pm.

FINAL DECEMBER 2022 BUDGET ADJUSTMENTS

Be It Resolved, by the Town Board of the Town of Esopus, County of Ulster as follows:

Whereas, the Town of Esopus has been presented with budget adjustments and the adjustments have been examined and approved by the Town Board.

Therefore, Be It Resolved, that the following budget adjustments be approved for payment:

RESOLUTION AUTHORIZING PAYMENT OF BILLS JANUARY 2023

BE IT RESOLVED, by the Town Board of the Town of Esopus, County of Ulster as follows:

WHEREAS the Town of Esopus has been presented with vouchers for payment and these vouchers have been examined and approved by the Town Board,

THEREFORE, BE IT RESOLVED, that the following vouchers be approved for payment:

| | | |
|-----------------------------|----------------------|--------------------|
| GENERAL FUND | 231000-231017 | \$21,049.15 |
| HIGHWAY FUND | 232000-232001 | \$ 1,727.36 |
| STREETLIGHTS | | |
| PORT EWEN SEWER FUND | 233000-230001 | \$ 926.64 |
| PORT EWEN WATER | 234000 | \$120.00 |
| Capital Water | | |
| ARPA | | |
| Visa | | |
| | | \$23,823.15 |

OFFERED BY: SUPERVISOR FREER
SECONDED BY: COUNCILMAN KATHIE QUICK

| | |
|---------------------------|-----|
| COUNCILMAN LAURA ROBINSON | AYE |
| COUNCILMAN EVELYN CLARKE | AYE |
| COUNCILMAN KATHIE QUICK | AYE |
| COUNCILMAN JARED GEUSS | AYE |
| SUPERVISOR DANIELLE FREER | AYE |

Resolution duly adopted.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR FREER AT 8:50 PM. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

*Respectively Submitted,
 Holly A. Netter
 Town Clerk, RMC*

