

**TOWN BOARD MEETING
February 21, 2019**

A regularly scheduled Town Board Meeting was held on Thursday, February 21, 2019 in the Town Hall, 284 Broadway, Ulster Park, NY with the following persons in attendance:

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

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

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

PLEDGE

PUBLIC COMMENT – NONE

UPDATES:

Special ZBA Meeting – There will be a special ZBA meeting on Thursday, February 28, 2019 at 6 pm in the Community Center.

Master Plan - Future of Esopus reception and CPC Public Hearing continuation is on March 6th at 7pm. The Town Board Public Hearing for the final adoption of the Master Plan is projected to be April 23rd, 2019.

Waterfront Advisory Board will meet March 6th at 5 pm to kick off the \$50,000 DEC/Esopus/ Scenic Hudson Estuary Grant Project Scope.

Environmental Board will meet March 20th at 5:30 pm to kick off the Stormwater Drainage Taskforce scope of work followed by the Climate Smart Taskforce meeting at 7 pm.

Volunteer Board Vacancies:

Waterfront Advisory Board exp 12/31/19

Water Sewer Board exp 12/31/21

2 ZBA positions exp 12/31/22 & 12/31/23

Park and Recreation Commission 12/31/20

The **Drinking Water Source Protection Application** with Esopus as lead applicant has been completed.

INTRODUCTION TO LOCAL LAW 1 2019
Amend Chapter 39 Parks and Recreation Commission

Be it enacted by the Town Board of the Town of Esopus, a Local Law to amend Chapter 39 of the Code of the Town of Esopus. The name of the chapter will be Parks and Recreation Commission.

Section 39-1 is amended to read "A commission is established which shall be know hereafter as the Town of Esopus Parks and Recreation Commission" formally known as the Town of Esopus Recreation Commission and previously known as the "Ross Park and the Town of Esopus Recreation Commission."

Section 39-2 is amended to read "The Town of Esopus Parks and Recreation Commission shall consist of seven Commissioners who shall be residents of the Town and shall serve at the pleasure of the Town Board for a term of 7 years. The members of such Commission shall be appointed for such terms that the term of one commissioner shall expire annually thereafter; and their successors shall thereafter be appointed to serve terms of years which shall total in number the membership of such Commission. In addition to said seven Commissioners there shall be two ex official members of said Commission: the Summer Program Director, chosen by the Town Board, and a parks employee employed by the Town of Esopus. Said members shall also serve at the pleasure of the Town Board.

Section 39-7 is amended to read: The Town of Esopus Parks and Recreation Commission shall advise the Town Board, notwithstanding the terms set forth above, for the purpose of identification, coordination and systemization of all recreation needs of the Town of Esopus, including but not limited to playground, parks, neighborhood recreation centers, events and festivals, with all the powers and responsibilities of local authorities under Article 13 of the General Municipal Law.

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO SET A PUBLIC HEARING ON LOCAL LAW 1 -2019 FOR MARCH 19, 2019 AT 7:20 PM. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR, MOTION CARRIED.

**Town Clerk Holly Netter will advertise the Public Hearing notice in the Daily Freeman.

ALAN SORENSEN, PLANIT MAIN STREET CONTRACT

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO AUTHORIZE SUPERVISOR SHANNON HARRIS TO SIGN THE ANNUAL CONTRACT FOR ALAN SORENSEN, PLANIT MAIN STREET AT A RATE OF \$1,600 PER MONTH FOR NON ESCROW CONSULTING SERVICES AND \$700 PER MONTH FOR ESCROW AND PRE-SUBMISSION SERVICES. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET.

WATER STORAGE TANK

(a.) The grant documents for the water tank are extensive. To ensure completion is properly done additional assistance from Tighe & Bond may be needed. Since we already have signed a contract for this specific topic the amendment is for the additional scope of work. The work as needed will be at a rate of \$160 per hour not to exceed \$1,700.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO AMEND THE TIGHE & BOND CONTRACT FOR THE ADDITIONAL SCOPE OF WORK AS NEEDED AT A RATE OF \$160 PER HOUR NOT TO EXCEED \$1,700. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

(b.)

**ESTABLISH CAPITAL RESERVE FUND FOR
THE REPLACEMENT OF A 2 MILLION GALLON WATER STORAGE TANK
FOR THE PORT EWEN WATER DISTRICT, TOWN OF ESOPUS**

RESOLVED, that pursuant to General Municipal Law § 6-c, as amended, the Town Board of the Town of Esopus does hereby establish a Capital Reserve Fund to finance the cost of the replacement of a 2 million gallon water storage tank for the Port Ewen Water District. It is the intent of this board to accumulate in this capital reserve fund a portion of the cost of replacing said 2 million gallon water storage tank the maximum cost of which is estimated to be \$2,697,955.00; and it is further

RESOLVED, the Town Supervisor of the Town of Esopus is hereby directed to deposit and secure the moneys of this reserve fund in a separate bank to be known as the "Capital Reserve Fund for the Replacement of a 2 Million Gallon Water Storage Tank for the Port Ewen Water District." The Town Supervisor of the Town of Esopus is authorized to invest, from time to time, the moneys of this fund in the manner provided by Section 11 of the General Municipal Law and consistent with the investment policy of the Town of Esopus. All interest or dividends or capital gains realized on the moneys so invested or deposited shall accrue to and become part of the Capital Reserve Fund for the Replacement of a 2 Million Gallon Water Storage Tank for the Port Ewen Water District. The chief fiscal officer shall account for the Capital Reserve Fund for the Replacement of a 2 Million Gallon Water Storage Tank for the Port Ewen Water District in a manner which maintains the separate identity and investments of the reserve fund; and it is further

RESOLVED, no expenditure shall be made from this Capital Reserve Fund except upon authorization of this board and in accordance with such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law; and it is further

RESOLVED, that this resolution is subject to a 30 day permissive referendum as provided by General Municipal Law Section 6-c(4).

Resolution offered by: Councilperson Jared Geuss

Seconded by : Councilperson Chris Farrell

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

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED

**Town Clerk Holly Netter will advertise the passing of the Resolution which was subject to a Permissive Referendum in the Daily Freeman.

(c.) **RESOLUTION TO TRANSFER BALANCE OF CAPITAL RESERVE FUND FOR THE EXPANSION OF THE PORT EWEN WATER PLANT TO A CAPITAL RESERVE FUND ESTABLISHED FOR THE PURPOSE OF REPLACING A 2 MILLION GALLON WATER STORAGE TANK FOR THE PORT EWEN WATER DISTRICT, TOWN OF ESOPUS**

WHEREAS, on March 16, 2000, the Town Board of the Town of Esopus enacted a resolution establishing a Capital Reserve Fund for the Expansion of the Port Ewen Water Plant;

WHEREAS, the Capital Reserve Fund for the Expansion of the Port Ewen Water Plant at last report currently holds a balance of \$129,618.36;

WHEREAS, the expectations expressed on March 16, 2000 that the Port Ewen Water District would need to expand its water plant have not materialized;

WHEREAS, the Town Board has identified the need to replace a 2 million gallon water storage tank for the Port Ewen Water District and has authorized the creation of a capital reserve fund for said purpose as of this date; and

WHEREAS, the Town Board has concluded that the \$129,618.36 held in the Capital Reserve Fund for the Expansion of the Port Ewen Water Plant are not necessary in the foreseeable future and would be put to better use to finance part of the cost of replacing the 2 million gallon water storage tank for the Port Ewen Water District;

NOW BE IT IS RESOLVED, by the Town Board of the Town of Esopus as follows:

RESOLVED, pursuant to General Municipal Law § 6-c(8) the sum of \$129,618.36 on deposit in the Capital Reserve Fund for the Expansion of the Port Ewen Water Plant shall be transferred together with any additional sums that may have been earned since the last report of the account to the Capital Reserve Fund for the Replacement of a 2 Million Gallon Water Storage Tank for the Port Ewen Water District upon its establishment pursuant to separate resolution of the Town Board; and it is further

RESOLVED, that this resolution is subject to a 30 day Permissive Referendum as permitted by law.

Resolution offered by: Councilperson Gloria Van Vliet
Seconded by : Councilperson Chris Farrell

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

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

**Town Clerk Holly Netter will advertise the passing of the Resolution which was subject to a Permissive Referendum in the Daily Freeman.

(d.) WATER TANK – EMINENT DOMAIN

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO SET THE PUBLIC HEARING FOR MARCH 19, 2019 AT 7:15 PM PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW TO CONSIDER THE ACQUISITION OF AN ADVERSE INTEREST IN A .562 ACRE PORTION OF REAL PROPERTY LOCATED WITHIN THE TOWN OF ESOPUS KNOWN AS 625 BROADWAY, ESOPUS, ULSTER COUNTY NY. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**Holly Netter, Town Clerk will advertise the Public Hearing notice in the Daily Freeman for 5 consecutive days

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR
A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND
THE TOWN OF ESOPUS SIGNING OF THE ASSOCIATED STATE CONTRACT,
UNDER THE APPROPRIATE LAWS OF NYS**

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Town of Esopus herein called the Town, has examined and duly considered the applicable laws of the State of New York and the Town deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the Town be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED By The Town of Esopus Town Board:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Town of Esopus Supervisor is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the Town agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project.
4. That five (5) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NEW YORK 12233-7253, together with ONE complete application.
5. That this Resolution shall take effect immediately.

Resolution offered by: Councilperson Kathie Quick
Resolution seconded by: Councilperson Chris Farrell

Councilperson Gloria VanVliet	AYE
Councilperson Kathie Quick	AYE
Councilperson Jared Geuss	AYE
Councilperson Chris Farrell	AYE
Supervisor Shannon Harris	AYE

Resolution duly adopted.

**RESOLUTION ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS FOR THE TOWN OF ESOPUS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Esopus is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Esopus Town Board desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Esopus; and

WHEREAS, the Town of Esopus Town Board desires to establish a procedure or guideline for the Town of Esopus staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Chair” shall mean the head of the Environmental Board/Esopus Climate Smart Taskforce.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Esopus that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Supervisor’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of

providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the KBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
 - (a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

- (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
 - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
 - (b) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, 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, which shall remain in full force and effect.

Resolution offered by: Councilperson Kathie Quick
Resolution seconded by: Councilperson Chris Farrell

Councilperson Gloria VanVliet	NO **
Councilperson Kathie Quick	AYE
Councilperson Jared Geuss	AYE
Councilperson Chris Farrell	AYE
Supervisor Shannon Harris	AYE

This resolution was adopted 4 AYE-1 NO

**Against Big Brother having control over energy usage.

TAX COLLECTION EXTENSION

A MOTION WAS MADE BY SUPERVISOR HARRIS TO APPLY TAX WARRANT EXTENSION PURSUANT TO SECTION 938 OF THE NYS REAL PROPERTY TAX LAW, ON THE RECOMMENDATION OF TAX COLLECTOR BERNICE MCNIERNEY. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

STREET LIGHT PETER’S LANE AND 9W

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO AUTHORIZE ADDING A STREET LIGHT TO 9W AND PETER’S LANE. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

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:

TB 2/21/19

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

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

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

ADJOURNMENT

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO ADJOURN THE MEETING AT 8:55 PM AND WAS SECONDED BY COUNCILPERSON CHRIS FARRELL HARRIS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively Submitted,

Holly A. Netter
Town Clerk, RMC