

**TOWN OF ESOPUS
TOWN BOARD MEETING
February 17, 2022 7:00 PM**

A regularly scheduled Town Board Meeting was held on February 17, 2022 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 7:00 pm.

PLEDGE TO THE FLAG

PUBLIC COMMENT:

John Affronti, 670 Old Post Rd, resident 38 years - Does not agree with the Noise Ordinance. He used to work at IBM and inside the factory there was a 85 decibel limit.

Ice storm - Opening Town Hall as a warming center was very much appreciated. People told him personally how wonderful it was. He didn't get to come but was told by several people about the soup, food and how the people enjoyed the comradery with other town residents. He thanked Supervisor Freer for opening the Town Hall.

Bill Schueller, Jordans Lane. Thanked the dutiful group of elected officials that were here when he walked in and that were here stopping by over the weekend. The Schueller's had no electric Friday – Sunday. There was good food from the community – soup from the Mount, large sandwich, pizza, coffee, etc. A special heartfelt thank you was given to Supervisor Freer for her efforts of being here throughout the entire weekend. Supervisor Freer in turn thanked

Mr. Schueller for keeping her spirits high.

Barbara Carroll Old Post Rd – Noise Ordinance - She said, “at the last meeting the discussion saying the noise ordinance was not worth it and was bothersome to enforce is a ridiculous excuse for civic irresponsibility. Laws act as deterrents. Just because every incident doesn’t result in an arrest and conviction it doesn’t mean the law isn’t having some effect”. Examples of speed limits, domestic violence, and fraud were given to say not everyone gets arrested, but it is a deterrent to make people act responsibly.

It's true that for years the good neighbor policy worked but now a days that is not always so. Neighborhoods have changed. Weekend residents/visitors and Airbnb patrons do not see themselves as neighbors. Last year there were 6 cars for a 2-bedroom Airbnb across the street. They partied every night and set off firecrackers. They don’t care and do not fall into the good neighbor category. If there was a law in place, the property owner could post it to discourage bad behavior. They would know the Sheriff may be called to enforce it. There needs to be more reinforcement than just saying everyone should be good neighbors.

Laura Petite Port Ewen. Recognized and supported the motion to appoint David Longendyke as Town Historian. She said David has a Port Ewen page on Facebook where he posts cool pictures of the history of Port Ewen. There are active discussions about the rich history of Port Ewen.

Laura also recognized Supervisor Freer and the Board for opening the Town Hall to the public during the ice storm. Supervisor Freer reciprocated the thanks to Laura for all she did during the storm as well.

Roger Burgold, Old Post Rd. The last meeting discussed the noise ordinance being unenforceable. Since last meeting he has talked to many people he knows in law enforcement agencies; Kingston, Olivebridge, etc. Sheriff Figueroa said he will enforce any law that is passed. Noise is temporary and doesn’t last a long time. He made some recordings of heavy machinery; he was unable to play it due to technical difficulties. He said in the beginning when there was no smoking, helmets were being required for motorcycles, seat belts had to be worn, couldn’t talk on the phone in the car; I’m sure they all seemed unenforceable too.

He read an excerpt of incidents that occurred between and him and his neighbor. Mr. Burgold disapproved of the use of heavy machinery 8-12 hours every Saturday and Sunday for the past 4 years. When they first came, we tried to be understanding. ATV drives around all kind of hours. Parade of jeeps, lime green ATV with “rockets”, trucks, station wagons, minivans etc. Use the trail. He asked the trail to be moved and offered to pay to have it moved. The neighbor responded he liked it that way.; not moving it. Good neighbor law is not going to work. These are quality of life issues. He feels a distance requirement could eliminate a decibel read. He used the decibel reader on his phone and it registered the noise in his home at 89.3. Mr. Burgold provided a letter to the Board encouraging” tweaks” to the zoning and noise ordinance similar to that of Wappingers Falls, Hyde Park and Town of Rochester.

Roger exceeded his 3-minute limit; Chris Farrell, resident of Ulster Park, conceded his three minutes to Roger to allow him to finish.

Steven Boller, West Park- Purchased his property 4 years ago and is in the process of developing the land to build a home on. He is breaking ground this spring and completing in 2022. He questioned “Mr. Burgolds’s mental stability given the wildly exaggerated stories... which are made up and fabricated”. He said yes, they are there on the weekend they are working using chain saws and clearing a driveway which requires heavy equipment. “Is it all hours of the night; no, normal working hours. These are normal sounds of any construction site”. He said it is absurd that the Town has invested so much time and resources to pursue a law that has been generated by a couple hypersensitive neighbors. I like to see the town vote no on pursuing this law any further. You have wasted enough time and resources on this.

DANIELLE FREER MADE A MOTION TO CLOSE PUBLIC COMMENT. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS WERE IN FAVOR: MOTION CARRIED.

NOISE ORDINANCE

The Town Board has put a lot of thought and research into this Law which has been on the table for two years and the Board cannot continue to spin on the topic. Supervisor Freer says it’s pretty clear that she doesn’t feel a noise ordinance is appropriate for the Town of Esopus for two reasons First she does not feel it is a widespread issue in the Town right now. Not to say down the road there may be a widespread noise issue. There are a few neighborly disputes that need to be handled, not through a noise ordinance. The second reason is enforcement. Supervisor Freer said, “I want to be clear that it is not because it takes a lot of effort for the town, Sheriff or cost. It is certainly not about that. It comes down to trying to prove this stuff out”. There are a lot variables to try to prove a noise issue. As the noise ordinance is drafted now (red line version) the Building and Sheriff’s Department would be responsible for enforcement and she would not put the Building Department in the middle of this. She had talked to the Sheriff and said to Mr. Burgold, “the Sheriff will enforce the law, but he said it is very hard to enforce. This echoed what we had heard from other attorneys. There are only a few towns that have noise ordinances because they simply don’t work and cannot be enforced, She said she went back to review when Barbara and Roger were here in April, they mentioned Hyde park, Wappinger and Rochester. Hyde Park and Wappingers have their own police department.

Councilmen Kathie Quick said she and Councilman Clarke talked to the Sheriff on the phone with the current draft of the law. Councilman Quick said there were a lot of things we took out

of the draft and asked what could be enforced. They would like to take out decibels and put in specific hours which would make sense. Councilman Quick referred to some instances in Port Ewen of neighbors harassing one another. Homes are close together in some areas.

They would like to better communicate the rules that are on the books so they can enforce them. Doesn't know what else we can do to make people be respectful.

Councilman Evelyn Clarke said the hours specified in the noise ordinance seem reasonable. She wished we could incorporate that without decibel reading. The Sheriff will enforce any laws on the books; make sure we communicate what we have.

Councilman Jared Geuss said penal law 240.20 will cover disturbing the peace. If someone is intentionally making noise to harass a neighbor; that can already be done. He sees the town being in front of neighbor-to-neighbor issues way too much if this goes through. The deterrent in the law is already on the book, if it's being done with ill intent. The County and Town have Airbnb laws on the books to deal with issues.

Construction on property is a tough time with all of the hammering but it comes with residential and commercial development. He does not see how we can move forward anymore on this law.

Councilman Laura Robinson was going to add the same about Airbnb rules. She agrees with Councilman Geuss that she just doesn't see this moving forward. She likes the idea of having hours but can cover that with some of the other rules.

Councilman Evelyn Clarke – Early morning or late at night hours; people have to be considerate. If you find people violating those laws call the Sheriff.

Supervisor Danielle Freer - this is not a widespread issue have people been complaining?

Councilmen Kathie Quick – Couple of issues on Hoyt , East Stout, and Bayard Street.

Supervisor Freer said that is a handful of cases

Councilman Laura Robinson said a lot of emails have been received against the noise ordinance.

Councilman Evelyn Clarke said the problem is there are so many exceptions and seemed watered down to her. There was a complaint about the town cutting down trees in the morning, but its exempted anyway. So, is the law really doing anything? Comes down to times; should not be disturbing neighbors' early morning or late at night.

Supervisor Danielle Freer said times is a slippery slope; we have a lot of farmers in town. Are we going to start dictating to farmers when they can start moving around on their farm to feed their animals? All hamlets are so different. Noise problems in Port Ewen may not be the same as Ulster Park and one blanket approach is not the right way to go.

A review and communication of what is on the books can be shared with the Sheriff to ensure they can enforce the laws in place.

NOISE ORDINANCE

COUNCILMAN JARED GEUSS MADE A MOTION TO RETRACT THE DRAFT OF THE LOCAL LAW REGARDING NOISE CONTROL. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE.

VOTE:

COUNCILMAN JARED GEUSS	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN KATHIE QUICK	NO
SUPERVISOR DANIELLE FREER	AYE

4 AYES 1 NO MOTION CARRIED

OWN HISTORIAN AND ASSISTANT

SUPERVISOR FREER MADE A MOTION TO APPOINT TOWN HISTORIAN, DAVID LONGENDYKE, AND ASSISTANT TOWN HISTORIAN, LOUIS TIMPERIO, TERM TO EXPIRE 12/31/2022. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBER IN FAVOR. MOTION CARRIED.

BEACON COMMUNITIES CORP

Beacon Sugar Corp. intends to purchase the managing general partner interest in four properties originally developed by Birchez Associates LLC and Steve Aaron, which are now held by the Second Wind Trust. The properties consist of an aggregate of 278 units of affordable housing between Birches at Chambers, Chambers Senior Housing, Birches at Esopus and Birches Saugerties. Three of the four properties have payment in lieu of taxes (PILOT) agreements. The Towns of Ulster, Esopus and Saugerties are working collectively on an agreement to increase the funds that are received by each municipality on an annual basis with the new owners. The closing on the Esopus location is scheduled for 2/18/2022.

Councilman Kathie Quick said there had been complaints that the conditions have gone down, and rents have gone up with the current owner so she was hopeful for the new ownership.

Supervisor Geuss said he has heard good things about them. They have 2000 units in the northeast with a good track record.

Supervisor Freer said she has been working with them and feels positive about the change.

COUNCILMAN LAURA ROBINSON MADE A MOTION TO SIGN THE BEACON COMMUNITIES CORP. LETTER AGREEMENT. MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBER IN FAVOR. MOTION CARRIED.

UPDATE PETITION FOR A PUBLIC REFERENDUM ON LOCAL LAW #13 OF 2021 CANNABIS OPT-OUT

The Town Board Acknowledged receipt of certification from Town Clerk Holly Netter finding the Petition invalid.

Holly Netter, Town Clerk said the task was taken very seriously and was a great learning experience. She received guidance from the Board of Elections as well as attorneys.

She recognized the effort and passion put forth by the petition carriers, who were even obtaining signatures during a snowstorm.

She said over 65 hours were devoted to this decision, her objective was to be thorough and fair.

She said it was difficult knowing whatever the outcome, whether the petition was valid or invalid, there was going to be a group of people who would be disappointed in the decision.

There were multiple reasons why she found the Petition invalid.

She explained the major reasons as follows:

The petition had 502 signatures. 443 REGISTERED VOTERS signatures were needed leaving only a margin of 59 signatures that could be invalid.

It was determined that 103 signatures were not registered voters (although the SIGNERS stated in the affirmation that they were registered voters of the town).

Additionally, 2 people signed the petition twice.

A petition carrier witnessed his own signature which is also not allowed.

That was a total of 106 ineligible signatures bringing the signature count down to 396 eligible signatures that could then be further reviewed for accuracy. Which clearly did not meet the 443 minimum required to validate the petition

Other issues that the Board of Elections found to be fatal defects which would have disqualified the entire petition were:

The petition incorrectly references the date of the Esopus Town Board Meeting as December 17, 2021, which in fact it was December 16, 2021.

The "Town or City" column on at least 303 signature lines, does not state the Town of Esopus. The "Residence" column in several instances is either blank or inserted with quotation marks ("") instead of the signatory's entire address.

She didn't even need to get this far but for future knowledge; numerous signatures were in print as opposed to cursive. While printed signatures can be permitted, such signatures are invalid and disqualified if the printed signature fails to match the signature example on file with the Ulster County Board of Elections when the same is not also printed.

For all of these reasons the petition failed to comply to the necessary requirements of the law.

Town Clerk Netter said, "I take pride in my integrity and if anyone would like to make an appointment to come in to view/discuss the process that was followed, please feel free to call me. But please know that given the facts I don't see how any other determination could have been made".



**Town of Esopus
Holly A. Netter, Town Clerk, RMC
P.O. BOX 700
Port Ewen, NY 12466
(845) 331-3709**

February 17, 2022

Town of Esopus Town Board
PO BOX 700
Port Ewen, NY 12466

Dear Town Board Members,

Enclosed you will find my certification of the petition pertaining to Local Law 13, of the Town of Esopus to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4. In addition, you will find a copy of the letter from the Commissioners of the Ulster County Board of Elections sharing their opinion on the validity of the Petition.

Sincerely,

Holly A. Netter
Town Clerk, RMC

Enc: Esopus Town Clerk Certification

U.C. Board of Elections letter

TO THE TOWN BOARD OF THE TOWN OF ESOPUS, COUNTY OF ULSTER, NEW YORK
CERTIFICATE

I, Holly A. Netter, the undersigned, Town Clerk of the Town of Esopus, Ulster County, New York, certify that, on January 31, 2022, a petition (“petition”) was filed with me protesting **Local Law No. 13 of 2021, of the Town of Esopus TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4** and requesting that said local law be submitted to the qualified voters of the Town of Esopus at the general election (“election”) to be held on November 8, 2022. **I have examined the petition and it does not comply in all respects with all the requirements of law as follows:**

The petition consisting of 502 signatures included 103 signers who were disqualified due to the inability to be verified by myself or the Ulster County Board of Elections as registered voters. In addition, two individuals signed the petition twice and a petition carrier witnessed his own signature which was also disqualified. Accordingly, the total number of qualifying signatures on the petition are no more than 396. The minimum number of valid signatures of enrolled voters to submit the question to the qualified voters of the Town of Esopus at the election is 10% of the total votes cast in the last gubernatorial election, which is 443 signatures.

Petition incorrectly references the date of the Esopus Town Board Meeting as December 17, 2021, which in fact it was December 16, 2021. This is a fatal defect resulting in the disqualification of the entire petition.

The “Town or City” column on at least 303 signature lines, does not state the Town of Esopus. This is a fatal defect resulting in the disqualification of the entire petition.

The “Residence” column in several instances is either blank or inserted with quotation marks (“”) instead of the signatory’s entire address. This is a fatal defect resulting in the disqualification of the entire petition.

Numerous signatures were in print as opposed to cursive. While printed signatures can be permitted, such signatures are invalid and disqualified if the printed signature fails to match the signature example on file with the Ulster County Board of Elections when the same is not also printed.

Dated: Ulster Park, New York
February 17, 2022

Holly A. Netter
Town Clerk, Town of Esopus

TOWN JUSTICE VACANT POSITION

Judge Weires, who has been a temporary replacement for the late Judge Peter Matera, has agreed to extending his services for an additional 30 days as Court Justice. On March 3, 2022 candidates who are interested in the position will be interviewed. If an attorney is selected, they would be able to take the bench immediately. Anyone who is not on the NYS Bar list will need to attend school in April before they can reside on the bench.

Sports

Aliex Catrone has reached out asking for permission to continue to use Ross Park 11am – 1 pm on Sundays for the Hudson Valley Soccer Stars adaptive soccer program from September 18th – November 6th. They used the field last fall and are asking to have access to the bathrooms near the basketball court this year. Follow up with Dan Vedder is needed to see if the schedule can be amended for winterization of the park bathrooms.

Ryan Burnett and his sister would like to start a youth basketball league in the Town of Esopus. They will be invited to a workshop to give a presentation of their program.

UPDATES

Winter Storm Landon Recap

80% of the Town of Esopus experienced power outages beginning Friday, 2/4. Significant overtime and material costs were accrued by our Highway, Water + Sewer, and Buildings + Parks + Grounds Departments.

We were able to quickly open the *first ever* warming center the Town has ever offered this weekend on both Saturday and Sunday. We provided a warm place for our residents to come regroup, warm up and charge their phones. We worked with our local firemen, TEVAS, The Bruderhof, volunteers, the County and Central Hudson to get the word out and to provide rides to anyone that needed to get to Town Hall. We worked with the same group to make sure folks who needed safe and warm places to sleep for the night were able to get somewhere.

We reached 95% restoration by 3pm on Monday, 2/7.

We facilitated a Town wide cleanup to help residents get rid of storm debris. We've asked residents to pull storm debris to the edge of their property for the Highway Department to chip. Town residents were also able to drop storm debris off to our Town Transfer Station free of charge

Final day for LWRP surveys – Friday, February 18th

Sojourner Truth Life Walk – Saturday, February 19th, Councilman Evelyn Clarke added that the Ulster County Legislature has officially made November 26th Sojourner Truth Day in the County of Ulster.

Call for volunteers for all committees and boards applications on www.esopus.com

Park, Buildings & Grounds position available 1information available at www.esopus.com

The Town Clerks office will start taking reservations for pavilion rentals on March 1 for residents April 1 for non-residents. Applications are available online at www.esopus.com

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:

BUDGET ADJUSTMENT FOR FEBRUARY 2022

AO 0599.000 Fund Balance	Town Signs	
	AO 3310.400	\$120.00

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

OFFERED BY: COUNCILMAN JARED GEUSS
SECONDED BY: COUNCILMAN LAURA ROBINSON

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

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

RESOLUTION AUTHORIZING PAYMENT OF BILLS FEBRUARY 2022

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	221019 – 221071	\$47,741.17
HIGHWAY FUND	222004 - 222034	\$33,669.93
STREETLIGHTS		
PORT EWEN SEWER FUND	223002 - 223018	\$8,554.44
PORT EWEN WATER	224006 - 224035	\$62,438.28
Capital Water		
AAPA		
		\$152,403.82

OFFERED BY: COUNCILMAN JARED GEUSS
SECONDED BY: COUNCILMAN LAURA ROBINSON

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

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

EXECUTIVE SESSION

SUPERVISOR DANIELLE FREER MADE A MOTION AT 8:15 PM TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING CANDIDATES FOR VACANCIES ON THE ENVIRONMENTAL BOARD. MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS IN FAVOR. MOTION CARRIED.

A MOTION TO COME OUT OF EXECUTIVE SESSION WAS MADE BY SUPERVISOR DANIELLE FREER AT 8:57 PM. MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS IN FAVOR. MOTION CARRIED.

ACTION

A MOTION WAS MADE BY SUPERVISOR DANIELLE FREER TO APPOINT LEE GOUGH AND NINA NICHOLS AS MEMBERS OF THE ENVIRONMENTAL BOARD WITH TERMS EXPIRING 12/31/23. MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS IN FAVOR. MOTION CARRIED.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR FREER AT 8:58 PM. THE MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

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