

**PUBLIC HEARING
MARCH 19, 2019**

THE TOWN BOARD HELD A PUBLIC HEARING ON MARCH 19, 2019 AT 7:15 PM IN THE TOWN HALL LOCATED AT 284 BROADWAY, ULSTER PARK, NY 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, STATE OF NEW YORK.

THE FOLLOWING PEOPLE WERE IN ATTENDANCE:

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

Recording Administrator Holly A. Netter, Town Clerk, RMC

PLEDGE

A MOTION WAS MADE BY SUPERVISOR HARRIS TO OPEN THE PUBLIC HEARING AT 7:16 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. 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, STATE OF NEW YORK. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK . ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

The purpose of this Hearing is to consider the acquisition of an adverse interest in a .562 acre portion of real property located within the Town of Esopus, and known as 625 Broadway, Esopus, Ulster County, State of New York.

This Public Hearing was held to determine and consider the need and location of the proposed acquisition, to review the public use to be served and assess the impact of the acquisition on the environment and residents prior to the acquisition of said property.

Said location is identified on the Ulster County Land and Tax Map as Section 64.1, Block 1, Lot 20.

Copies of the proposed acquisition map have been available for public inspection in the Town Clerk's Office, as well as the website. The Public Hearing notice with map was published in the Daily Freeman for 5 consecutive days March 3 – 7.

Don Kiernan, Water Superintendent, gave a history of the project, and a testimonial of why we needed the property to erect the tank adjacent to the current one. He has been trying to obtain the land for several years from the property owner however there has been no progress.

Public Comment : NONE

All persons wishing to be heard had the opportunity to speak. No written statements for or against this subject were received.

A MOTION WAS MADE BY SUPERVISOR HARRIS TO CLOSE THE PUBLIC HEARING AT 7:20. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

March 19, 2019

THE TOWN BOARD HELD A PUBLIC HEARING ON MARCH 19, 2019 AT 7:15 PM IN THE TOWN HALL LOCATED AT 284 BROADWAY, ULSTER PARK ON LOCAL LAW NO. 1 2019 PARKS AND RECREATION COMMISSION TO AMEND CHAPTER 39 OF THE CODE OF THE TOWN OF ESOPUS

THE FOLLOWING PEOPLE WERE IN ATTENDANCE:

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

Recording Administrator Holly A. Netter, Town Clerk, RMC

A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO OPEN THE PUBLIC HEARING ON LOCAL LAW 1 - 2019 TO AMEND CHAPTER 39 OF THE CODE OF THE TOWN OF ESOPUS AT 7:20 PM. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Supervisor Harris read the proposed Local Law No. 1.

The Public Hearing was held on proposed Local Law No. 1 to amend Chapter 39 of the Code of the Town of Esopus to be Parks and Recreation Commission.

A. The name of the Chapter is proposed to be amended to: Parks and Recreation Commission.

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

C. 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 seven 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 officio 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.

D. 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 the 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.

PUBLIC COMMENT:

George Heissenbuttel asked what insurance is there for volunteers working at the park. Supervisor Harris said volunteers are typically in a planning role and work is done by the employees. Mr. Heissenbuttel added that the insurance company could add a liability waiver which can be obtained to cover workers if needed and volunteers can also take an online safety course for certification. He gave the example of Habitat for Humanity and said they run a background check to protect the other volunteers.

No further comments were made.

A MOTION WAS MADE BY SUPERVISOR HARRIS TO CLOSE THE PUBLIC HEARING AT 7:25 PM. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

SUPERVISOR HARRIS CALLED TO ORDER THE REGULARLY SCHEDULED TOWN BOARD MEETING AT 7:30 PM.

PUBLIC COMMENT:

George Heissenbittel offered his attendance at the Dyno Nobel clean up meetings based on his job history with the Rail Road. He also commented on the janitorial position and suggested the Board find a way to add hours to give benefits to maintain employees instead of losing them to other jobs.

LOCAL LAW #1- 2019 PARKS & RECREATION

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO ADOPT LOCAL LAW # 1 - 2019 PARKS AND RECREATION. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

***Town Clerk Holly Netter will publish the adopted law in the Freeman and send the Law to the State.*

Liaison updates

Councilperson Jared Geuss Comprehensive Plan Committee

The CPC received a lot of good feedback from the “Future of Esopus” Public Hearing held on March 6, 2019 which was also televised and reached many people. Rifton constituents want to meet to discuss a few issues in their hamlet before the plan is finalized. There are no major changes expected but they would like some issues addressed. The Public Rifton Community meeting will be held on April 8th at 7pm at the Rifton Firehouse on 43 Maple Street, Rifton.

Councilperson Kathie Quick – ZBA said the ZBA had 3 area variances before them.

Councilperson Chris Farrell – Planning Board

The coffee bar that was originally supposed to open next to Steve Morris design on Broadway is not happening. The owner has decided to make apartments instead. The development off of Clay Road is having difficulties because of storm water issues.

Climate Smart and Storm Water Task Force committees meet 3/20/19

Parks and Recreation is getting ready for the Egg Hunt at Freer Beach on April 20, 2019 as well as summer camp registration. Hikes in various locations will continue this year, dates and locations to be announced. They are also developing a project to improve the playgrounds.

Assemblyman Cahill's office is interested in assisting once the plans and pricing are put together.

Town Clerk – The calendar for park rental opens for non residents April 1, 2019

Waterfront Advisory Board is working on the Estuary and Hudson Access Project

EDC – is working on Tourism & Beautification

Transfer Station – Lenny Liberta

Lenny Liberta, Transfer Station Manager stressed the need for consumer awareness regarding the recycling industry. Some people have asked about Single Stream Recycling. Single Stream recycling allows for a mixture of plastics, metal and cardboard however that does not include hoses, bag hangers, etc. Our Transfer Station is not single stream. He praised residents who take it to heart and are diligent about properly recycling. However, there are many people who are not following the proper guidelines of recycling which results in increased man hours to ensure the containers are not contaminated when they leave the Transfer Station. Lenny was proud to say our township has not been fined by the RRA because they do their due diligence to pull out the contaminated items that are thrown into the containers. Esopus turns in a clean product but we are absorbing the cost of getting rid of all of the items that end up into the containers because people do not want to pay to throw away their items that are not truly recyclables. He stressed the importance of people recycling properly so we do not get fined.

Lenny said he would like to see improvements such as black top to control the freezing rain. Mike Cafaldo will measure and will give him the cost. Lenny complimented Laura Petite for her grant support and recycling efforts. The cardboard container needs a roof to be in compliance.

DYNO NOBEL CLEANUP

Van DeWater and Van DeWater, LLP attorney Kyle Barnett attended the DYNO Nobel meeting on March 11, 2019 and was asked by Supervisor Harris to write a letter asking the DEC for a 90 day extension of the Public Comment Period thru June 21, 2019. There is a broad public and community interest in obtaining an effective remedy that adequately addresses the extensive contamination of the site that represents a threat to public health and environment. The 30 days does not provide enough time to submit meaningful input.

Councilperson Gloria Van Vliet gave a hand out relating to a lively discussion from the workshop of March 5, 2019 regarding the Authority of the Town Supervisor and Town Board.

Councilperson Van Vliet shared the response given by the Association of Town regarding the matter. Councilperson Van Vliet stressed again that no one member of the Board has the authority to act independently of the other. She questioned why the Board was not consulted

about hiring Kyle Barnett to attend the meeting and write the letter. She said there was no vote taken on this matter. Someone asked why attorney Paul Kellar, who handles Town matters, was not asked. Councilperson Van Vliet pointed out that the letter from Attorney Barnett was sent out on March 13, 2019 prior to any one voting on it. She asked why we have to spend Town money when it is a DEC matter. Supervisor Harris explained it was a time sensitive issue and based on the public's concern and the lack of requirements that the DEC were putting forth, it was in the best interest not to wait the additional 6 days for approval. Attorney Barnett was asked because he is our Planning Board attorney and would be best suited to protect the Town's interest in this matter.

Dean Summers and Mark Moriello are representing the Communities of Churches interest. Councilperson Farrell asked if there was any reason why the other attorneys could not also represent us or write the letter to save on expenses. Since there are planning, zoning and site plan issues, the better match was the Planning Board attorney. The concern was the other council was hired to protect the interest of that particular group and not necessarily for the Town and other residents. This is an important topic and someone needs to keep watch over it.

Councilperson Kathie Quick added that the DEC's standards for cleanup were very minimal; explosives are left in the pond. The project could take 5 years to complete.

Councilperson Geuss said he would recommend staying with Kyle Barnett because of his background and awareness of the history of the site.

Councilperson Van Vliet said it was a serious matter. The brownfield needs to be cleaned up and is concerned with how much it will cost. She felt the Board missed her point, that it was another procedural violation and Supervisor Harris overstepped her authority without the Boards' consent.

Councilperson Chris Farrell said they should have a conversation with the other attorneys and join together. It could be less expensive and more effective. He said Gloria's point is well taken and asked to have the Board authority matter added to the April 2, Workshop meeting for further discussion.

The contract with Attorney Barnett was not signed and the motion to sign the agreement was amended as follows:

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO PAY KYLE BARNETT FOR HIS SERVICES RENDERED FOR WRITING THE LETTER, TO ATTEND THE MEETING ON MARCH 20TH ACCORDING TO THE EXTENSIVE PUBLIC COMMENT ON THE DYNO NOBEL ENVIRONMENTAL CLEANUP, TO PROTECT THE INTEREST OF THE TOWN AND TO EXPLORE OTHER LEGAL OPTIONS. THE MOTION WAS SECONDED BY SUPERVISOR HARRIS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

** There will be a Stakeholders Meeting March 20, 2019 at 2pm in the Community Center regarding the Dyno Nobel Cleanup.

GREENWAY GRANT \$10,000

SUPERVISOR HARRIS MADE A MOTION TO AUTHORIZE HER TO SIGN THE HUDSON VALLEY GREENWAY GRANT CONTRACT TO RECEIVE THE \$10,000 GRANT FOR THE ZONING UPDATE INITIATIVE. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

CLEAR GOV CONTRACT

A MOTION WAS MADE BY SUPERVISOR HARRIS TO APPROVE SUPERVISOR HARRIS TO SIGN THE CLEAR GOV CONTRACT FOR BUDGET ANALYSIS AND LOCAL TAX COMPARISON AS BUDGETED. THE MOTION WAS SECONDED BY COUNCILPERON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

VIDEO CAMERA CONTRACT UPDATE

Frontier Communications was originally hired to install the new security cameras however they have let the individuals go that we were dealing with. Frontier had not signed their contract and did not perform in good faith. On the advice of Attorney Paul Keller, Supervisor Harris sent a letter to Frontier Communication withdrawing the offer to enter into the service and equipment purchase. Once we hear back from Frontier to confirm the contract has not been signed by them, the Board will revisit the Liberty Security Service proposal and move forward.

NEW YORK MUNICIPAL ENERGY PROGRAM - NYMEP

Javier Barrios, managing partner at Good Energy, LP provided an overview of the process for Community Choice Aggregation (CCA). CCA is enacted by local legislation to enable Esopus residents and businesses to purchase their electric from competitive energy markets. Residents presently default to Central Hudson. Should the Board make the decision to offer this, it would revert to a new company and people could opt out. The more people who are involved will increase the purchasing power and will lower the costs.

ENVIRONMENTAL BOARD

Wednesday, March 20, 2019 at 5:30 pm the Environmental Board will kick off the Stormwater Drainage Taskforce followed by the Climate Smart Taskforce meeting at 7 pm.

**RESOLUTION REQUESTING NYS DOT
TO INSTALL WATER PIPELINE INFRASTRUCTURE IN DESIGN PLANS FOR THE REHABILITATION
OF OLD RONDOUT CREEK BRIDGE**

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

WHEREAS, in the event of an emergency the Town of Esopus may have need for a temporary water main line between Kingston and Port Ewen.

WHEREAS, this temporary water main line would ensure drinking water to the Port Ewen Water District residents in the event of a crisis or emergency.

WHEREAS, the Town Board urges that discussions between NYS DOT and the Port Ewen Water District occur as soon as possible regarding design and costs for such emergency infrastructure.

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Esopus requests NYS Dept of Transportation to consider the installation of this temporary pipeline and incorporate it into the design for reconstruction of the Old Rondout Creek Bridge.

Resolution offered by: Councilperson Jared Geuss
Resolution 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.

MEMORIAL DAY PARADE will meet Monday, May 27, 2019 10 am coordinated and hosted by American Legion Post 1298.

RESOLUTION AUTHORIZING PAYMENT OF BILLS MARCH 2019

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	191087- 191147	\$ 65,785.63
HIGHWAY FUND	192036 - 192067	\$ 201,711.72
STREET LIGHTS	196001	\$ 5,200.60
PORT EWEN SEWER FUND	193022 - 193032	\$ 5,977.42
PORT EWEN WATER FUND	194041-194065	\$ 31,002.17
Capital	000017	\$ 184.01
TOTAL		\$309,861.55

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

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.

EXECUTIVE SESSION

A MOTION WAS MADE AT 9:10 PM BY SUPERVISOR HARRIS TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL ISSUE AND HISTORY OF A PARTICULAR INDIVIDUAL. SOLE ASSESSOR JOANNA MIGNONE WAS INVITED INTO THE SESSION. THE MOTION WAS ALSO MADE TO CONDUCT INTERVIEWS FOR VACANCIES OF ZONING BOARD OF APPEALS AS WELL AS THE PART TIME JANITORIAL POSITION. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION TO COME OUT OF EXECUTIVE SESSION WAS MADE BY SUPERVISOR HARRIS AT 10:15 PM AND WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**** No action taken at this time on the personnel matter or Janitorial Vacancy.**

A MOTION WAS MADE BY SUPERVISOR HARRIS TO APPOINT DON AVALON AS A MEMBER TO THE ZONING BOARD OF APPEALS WITH A TERM TO EXPIRE 12/31/2023. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET AT 10:20 TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR, MOTION CARRIED.

Respectively submitted,

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

