

**TOWN BOARD MEETING**  
**April 18, 2013**

A regularly scheduled Town Board Meeting was held on Thursday, April 18, 2013 in Town Hall 284 Broadway Port Ewen, New York with the following persons in attendance:

**Supervisor John Coutant**  
**Councilperson Gloria VanVliet**  
**Councilperson Wayne Freer**  
**Councilperson Donna McAuley**

**Absent: Councilperson Kyle Barnett**

**Administrative Recorder: Diane L. McCord, Town Clerk**  
**Building Inspector Tim Keefe**

**Pledge to the Flag**

Supervisor Coutant called the meeting to order at 7:35 PM.

**Public Comment:**

**James Dunn:** Mr. Dunn used to live in the Town of Esopus at 370 Union Center Road. He had a problem with this property he rented because the windows were painted shut. The landlord and Mr. Dunn had a disagreement. Mr. Dunn called the Building Inspector and scheduled an inspection. When the Building Inspector arrived the windows could not be opened. Ms. Pugliese said she would re-inspect in a few weeks. At the time of this inspection the landlord did not appear.

Mr. Dunn was asked how long he lived in the house with the windows painted shut? Mr. Dunn answered seven months but it was a fire hazard. Mr. Dunn wanted a letter from the Town Board stating the Fire Inspector did an inspection without the landlord being present. When this inspection happened, Mr. Dunn was late for work. Supervisor Coutant said he reviewed the situation. Building Inspector Tim Keefe explained the Building Dept. received the complaint from Mr. Dunn and we notified the landlord. The landlord responded, however, it took a few weeks. Mr. Dunn said the first time the landlord did not show up at all. Mr. Dunn wants a letter stating the Fire Inspector came but the landlord did not show up. Councilperson Freer asked the Building Inspector, does it note in the report that the landlord did not appear? The Supervisor asked what does Mr. Dunn want? Mr. Dunn said he only wants a letter saying he was there for the inspection and the landlord was not! Mr. Dunn continued stating the inspector could not inspect the entire house at the time, only his apartment. The second time the inspector did the entire house. Supervisor Coutant asked if the window did not open could the window be taken out if there was a fire? Yes, answered Mr. Dunn. The premises was fully inspected and the problem was repaired.

Councilperson Freer, the simplest way is for Mr. Dunn to put in a FOIL (Freedom of Information Request) asking the Building Department for information and it should be noted in the record that the landlord did not show up. This FOIL request is given to the Town Clerk.

Supervisor Coutant sent a certified letter to Mr. Dunn mentioning the harassment he had toward the employees and Supervisor and this letter was refused by Mr. Dunn. Mr. Dunn believes he has a First Amendment right to go public in this matter. Councilperson Freer said if Mr. Dunn receives the FOIL and feels the report is incomplete, he should come back to the Town Board.

### **1. Hummel Property**

All properties are reviewed within the town and if a property becomes uninhabitable, the building can be taken down for safety reasons. A property owned by Steven Hummel is unlivable. We have pictures attesting to the condition of the property. The Building Inspector gave notice of the complaint. The following letter was read into the record:

March 25, 2013

To: Steven Hummel  
104 Tooley Drive  
Port Ewen, NY 12466

Re: Unsafe structure pursuant to Chapter 59 of the Town of Esopus Code and Section 107 of the Property Maintenance Code of NY State.

Pursuant to Chapter 59 Unsafe Buildings of the Town of Esopus Code, you are hereby notified that the dwelling located at 104 Tooley Drive, Port Ewen is hereby declared unsafe and dangerous for occupancy.

As a result of a visual inspection done on Monday, March 25, 2013, it has been determined by this department that the structure located at 104 Tooley Drive, is unsafe and dangerous to the public. The structure is structurally unsound with numerous property code violations including but not limited to defective, roof, siding, flooring, windows etc. For lack of maintenance the structure is beyond repair and must be removed.

Pursuant to Chapter 59 of the Town of Esopus Code and the Property Maintenance Code section 107 and 108 of the State of New York, you are hereby notified to remove the structure by April 13, 2013. If you fail to respond by the aforesaid date, the Town will move forward pursuant to Chapter 59 and commence action for removal of the structure.

Pursuant to Sec. 59-4 a hearing will be held before the Town Board on April 18, 2013 at 7:30 pm at the Town of Esopus Town Hall located at 284 Broadway, Port Ewen, NY 12466 to determine whether you have complied with the order to remedy and removed the premises.

Pursuant to Sec. 59-5 if, in the determination of the Town Board, you have failed or refused to remediate the premises as required by this Notice and the order to remedy, the Town may take action to remove the structure on the premises immediately following the notice without further notice.

Pursuant to Sec. 59-6 any costs incurred by the Town of Esopus to remove the structure, including any costs in connection with the proceedings before the Town Board, will be assessed against the premises.

You have a right to hire counsel and have counsel present on the date of the hearing. You should be prepared to present whatever evidence you believe is relevant regarding the condition of the premises.

Deborah R. Pugliese  
Esopus Fire Inspector

There was no representative present for Steven Hummel.

Councilperson Gloria VanVliet reviewed the photos and it should be condemned. Councilperson Wayne Freer reviewed the pictures and the paperwork. Councilperson Donna McAuley reviewed the information and believes it is unsafe.

Building Inspector Tim Keefe was notified by Ulster County Social Services as to the condition of the premises. As you enter you can see the rotting rafters, the roof falling in. There is no water or electricity. Central Hudson shut off the electric. The Building Inspectors determination is the premises are uninhabitable.

**A MOTION WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON DONNA MCAULEY TO PROCEED TO DEMOLISH THE STRUCTURE.**

	<b>Supervisor John Coutant</b>	<b>Aye</b>
	<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
	<b>Councilperson Wayne Freer</b>	<b>Aye</b>
	<b>Councilperson Donna McAuley</b>	<b>Aye</b>
<b>Absent:</b>	<b>Councilperson Kyle Barnett</b>	

**Motion Carried.**

Supervisor Coutant asked about getting three prices from different contractors to remove the structure. Building Inspector will get three bids. He thanked the Town Board for taking the time and helping us deal with the situation.

**2. Applicant for ZBA and Other Boards**

Supervisor Coutant requested anyone watching Channel 23 who is interested in serving on the Zoning Board of Appeals or any other of our boards to contact the Supervisor or the Town Clerk. If you have it in your heart, please come out and volunteer.

**3. Dog Kennel Inspection Report**

On April 9<sup>th</sup> Kim Volpe, Animal Health Inspector from NYS Dept. of Agriculture and Markets, inspected our kennel and we are in excellent shape. We only had a few minor problems which will be corrected. The Supervisor was pleased we are one of the better kennels. We have a good record and are doing a good job.

#### 4. Central Hudson/Fortis, Inc. Resolution

The public has been following the buying out of Central Hudson by Fortis, Inc. The Town Board has reviewed this very carefully. We need more information and more commitment from Fortis, Inc. regarding employees and the time frame, etc. Fortis will only keep the Central Hudson employees for two years. NAFTA may jeopardize our Central Hudson employees.

The following Resolution was read into the record:

#### **RESOLUTION URGING THE PUBLIC SERVICE COMMISSION TO EXTEND THE PUBLIC COMMENT PERIOD**

**Whereas**, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility serving the residents of the Town of Esopus; and

**Whereas**, the Public Service Commission (PSC) must approve this merger, and in order to be approved the Applicant must prove a net public benefit; as required by New York State Law, and

**Whereas**; the PSC initially held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when many rate-payers are still at work; and

**Whereas**, the PSC has now scheduled two additional hearings, in Poughkeepsie and Kingston, but has not provided the public with any additional information about how the proposed acquisition of Central Hudson by Fortis, Inc. will provide any substantial benefits which meet the test of establishing a public interest resulting from the proposed transaction, and

**Whereas**, PSC staff recommended \$85 million in community benefits funds for the areas covered by Central Hudson, for which Fortis has offered less than \$50 million; and

**Whereas**, of the stated \$50 million in customer benefits, the Settlement Agreement relies upon \$35 million in future contributions to storm damage repair and more than \$9 in what are claimed to be lessened management costs, neither of which substantially benefit customers; and

**Whereas**, the purported \$9 million “benefit” is claimed to be the future result of the merged companies no longer needing to meet the reporting requirements for public companies, which would actually mean that the operations of Fortis and Central Hudson would no longer be subject to appropriate and necessary financial regulatory scrutiny and oversight, and

**Whereas**, when these poorly defined and relatively inconclusive “benefits” are deducted, what remains is a trivial “Economic Development Fund” of \$5 million for the whole region; and

**Whereas**, by contrast, the region’s rate-payers would face the certainty of many times that amount in increased electricity delivery charges over the decades to come; and

**Whereas**, Fortis has guaranteed a rate freeze for not more than 12 months; and

**Whereas**, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

**Whereas**, Fortis has not committed to improve the region’s electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

**Whereas**, Fortis offers no reasonable plan for Esopus residents to achieve an affordable, sustainable, and reliable supply of power; and

**Whereas**, Assemblyman Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

**Whereas**, Central Hudson workers would be guaranteed jobs for only a two year period, after which Fortis can begin to outsource work;

**Whereas**, New York State Law requires the Public Service Commission to establish a factual basis for a finding of genuine public interest resulting from such a transaction as the Fortis merger; now, therefore be it

**Resolved**, that the Esopus Town Board calls upon the PSC to hold Evidentiary Hearings, in order that the Public can examine the factual basis for the public interest, followed with a Recommended Decision; and be it further

**Resolved**, the Esopus Town Board does urge the PSC to express in the most transparent terms to Central Hudson rate-payers the ways that such a merger would benefit residents in the current Central Hudson utility service area, particularly with regard to improved infrastructure and support for renewable energy; and be it further

**Resolved**, that the Esopus Town Board does urge the Public Service Commission (PSC) to extend the period for public comment for so long as necessary for residents of the Town, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and be it further

**Resolved**, the Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator Cecelia Tkaczyk, and New York State Assemblyman Kevin Cahill.

**Resolution offered by Supervisor John K. Coutant**  
**Resolution seconded by Councilperson Donna McAuley**

	<b>Supervisor John K. Coutant</b>	<b>Aye</b>
	<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
	<b>Councilperson Wayne Freer</b>	<b>Aye</b>
	<b>Councilperson Donna McAuley</b>	<b>Aye</b>
<b>Absent:</b>	<b>Councilperson Kyle Barnett</b>	

**Resolution duly adopted.**

**5. Payment of Vouchers**

**PAYMENT OF VOUCHERS**  
**April 18, 2013**

**Be it Resolved**, by the Town Board of the Town of Esopus, County of Ulster, State of New York as follows:

**Whereas**, the Town of Esopus has been presented with vouchers for payment and those vouchers have been examined and approved by the Town Board,

**Therefore, Be it Resolved**, that the following vouchers be approved for payment:

<b>General Fund</b>	<b>131148 - 131195</b>	<b>\$27,802.48</b>
<b>Highway Dept.</b>	<b>132059 - Void</b> <b>132060 -132083</b>	<b>\$24,946.72</b>
<b>Port Ewen Sewer</b>	<b>133042 - 133059</b>	<b>\$16,689.67</b>
<b>Port Ewen Water</b>	<b>134073 - 134104</b>	<b>\$35,735.45</b>
<b>Street Lighting</b>	<b>136004</b>	<b>\$ 6,448.51</b>
<b>Total.....</b>		<b>\$114,622.83</b>

Resolution offered by Councilperson  
Resolution seconded by Councilperson

	Supervisor John Coutant	Aye
	Councilperson Gloria VanVliet	Aye
	Councilperson Wayne Freer	Aye
	Councilperson Donna McAuley	
Aye Barnett	Absent:	Councilperson Kyle

Resolution duly adopted.

**7. Approval of Minutes**

**A Motion was made by Supervisor John Coutant and seconded by Councilperson Gloria VanVliet to approve the minutes of the previous meetings. All Town Board Members present voted in favor. Motion Carried.**

**8. Communications & Reports of Officials and Boards**

The communications for the month of April are on file in the Town Clerk’s Office as well as the following Reports of Officials and Boards:

- Assessors’ monthly report dated April 15, 2013
- The Town Clerk Report dated March 2013
- Building Inspectors Monthly Report dated March 2013
- Town Board Mtg. 03-21-13
- Port Ewen Water & Sewer Agenda dated 4-9-13
- Town Board Workshop Mtg. dated 4-1-13
- Town Board Workshop Mtg. dated 4-16-13
- Zoning Board of Appeals Meeting dated March 26, 2013

**A Motion to adjourn was made by Councilperson Wayne Freer at 8:10 PM and seconded by Councilperson Donna McAuley. All Town Board Members present voted in favor. Motion Carried.**

**Respectfully submitted,**

**Diane L. McCord  
Town Clerk, CMC, RMC**