

**TOWN BOARD MEETING**  
**April 16, 2015**

A regularly scheduled Town Board Meeting was held on Thursday April 16, 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following persons in attendance:

**Supervisor John Coutant**  
**Councilperson Gloria Van Vliet**  
**Councilperson Wayne Freer**  
**Councilperson Kyle Barnett**  
**Councilperson Diane McCord**

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

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

**PUBLIC COMMENT –**

**Jonathan Ridgeway**, resident of the Town of Plattekill stated the Plattekill Town Board adopted a resolution opposing the pipeline on 1/21/15 and the Ulster County Legislators also voted in favor of Resolution 38, opposing the Pipeline 22 -1 .

**Alex Viviani** is in contract to purchase his first home at 1728 Broadway, West Park. The home next door at 1734 Broadway is dilapidated. The home is vacant and appears to be abandoned. He said he found there was a star exemption on the property that should not be there because no one resides at that location. He described it as a brown house next to the Stone Hedge Restaurant. The property is owned by Justine Gerenstein who has an art studio in California. He tried to contact her but it is a dead line. Mr. Viviani was here to ask what the proper procedure was to correct the unsightliness of the property. The Board suggested he contact the Building Department to have them inspect the property and see if there are any violations or safety hazards.

**Iris Maybloom** stated the intent of the pipeline was not to take away the barges. There may be fewer of them but it will add more tankers to the river. It is a safety issue. She hopes the Board votes to oppose the pipeline.

**Karen Adin** submitted to Supervisor Coutant a Petition containing 33 different signatures opposing the construction of the Pilgrim Pipeline within the Town of Esopus. Supervisor Coutant gave the petition to Holly Netter, Town Clerk, to be filed with the minutes from this meeting. They are entered into the minutes as addendum A and B.

**TOWN OF ESOPUS RESOLUTION**  
**OPPOSING THE PILGRIM PIPELINE**

**WHEREAS**, Pilgrim Pipeline Company is proposing to build a bi-directional pipeline through the Town of Esopus that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

**WHEREAS**, the pipeline will carry oil from Bakken Shale region of North Dakota extracted through a process of hydraulic fracturing, or “fracking,” which has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

**WHEREAS**, data collected by the Capline Pipeline in Louisiana, which tested crude from 85 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to throw off combustible cases; and

**WHEREAS**, the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

**WHEREAS**, the Pipeline will carry a large volume of Bakken crude oil through residential areas in the Town of Esopus, County of Ulster, which will place residents in harm’s way should an explosion or spill occur; and

**WHEREAS**, according to PHMSA, pipeline operators reported 1,880 crude oil spills nationwide between 2003 and 2013, or nearly one spill every other day, resulting in over 44 million gallons of oil being spilled; and **WHEREAS**, 80 percent of these spills were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

**WHEREAS**, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

**THEREFORE, BE IT RESOLVED**, that the Town of Esopus, Town Board is in opposition of the Pilgrim Pipeline going through the Town of Esopus.

**Resolution offered by:** Councilperson Diane McCord  
**Resolution seconded by:** Councilperson Kyle Barnett

<b>Councilperson Diane McCord</b>	<b>Aye</b>
<b>Councilperson Kyle Barnett</b>	<b>Aye</b>
<b>Councilperson Gloria VanVliet</b>	<b>Aye</b>
<b>Councilperson Wayne Freer</b>	<b>No</b>
<b>Supervisory John K. Coutant</b>	<b>No</b>

**Resolution adopted 3/2**

All of the Councilpersons made a statement to validate their position on the vote.

**Councilperson Diane McCord** read a statement she had prepared. Approval of the Pilgrim Pipeline will not change the amount of oil being transported by rail or barge. It will only add to the amount. 25% of all the oil in the country (crude oil) is now going thru Albany, 500,000 million gallons a day. It is taken to New Jersey and shipped to St Johns to be refined. Recently 865,000 gallons of crude oil spilled in Yellowstone. This spill saturated the ground 30 feet down. The pipeline would cross the Wallkill and four aqueducts through the Catskills possibly contaminating NYC drinking water. There is no federal agency to regulate the pipeline. No permission has been given from the NYS thruway. No applications have been filed with DEC. We need to insure there is an environmental review. Bakken crude oil cannot be contained if spilled. When a spill did occur only 20% of it was recovered. The approval of the pipeline would only encourage the use of more fossil fuel. Bakken shale fields in North Dakota have massive methane burns. It is because of all of the reasons above Councilperson McCord voted opposing the pipeline.

**Councilperson Kyle Barnett** joined Councilperson McCord and supports the resolution to oppose the pipeline project. After investigation into what the project is proposed to provide, leads Councilperson Barnett to believe he can see no benefit to the community or other communities along the pipeline route. He cannot see any economic benefit to the community. The spills are dangerous. While trains spill less, the pipeline leaks are enormous and it is a much bigger environmental catastrophe. The cleanup is never enough to actually remedy the particular problem that occurs. Councilperson Barnett said it absolutely astounds him that the company knowing all of the opposition that is out there, has not sent a single knowledgeable person to any Town or County Meetings to give just cause why the pipeline project should be supported. Under the circumstances, and given the enormous danger this could have to our environment, waterways, and wetland environments that are in close proximity to the pipeline, Councilperson Barnett cannot think of a single reason why he could possibly support it and was proud to oppose the project as proposed.

**Councilperson Gloria Van Vliet** said she agrees with Councilpersons McCord and Barnett. She feels we do not need to add a pipeline to the transportation we already have on the barges and rails. If we could eliminate the tankers and river traffic... but we are told it will not lessen the traffic or make a difference. She is concerned about people who are putting in the pipeline who have not come out to give us information and reasons why we should have the pipeline. Councilperson said that is why she is voting in opposition of the pipeline.

**Councilperson Wayne Freer** said his research and information differs from what he has heard so far. After looking at the proposal and working closely with emergency services throughout the County, there are a lot of problems with the rail. He has concerns with the railroad service that goes through our town. The age of the track of the bridge that goes over the Rondout carrying 50 – 60 rail trains per day has not been inspected in quite some time. It is unknown how many of the cars are carrying oil. The trains run through heavy residential areas. In Ulster

Park and West Park area where the tracks double, we have stacking of 5 trains in 1 place in our town. His second concern is the river. No one knows at the present time how much the pipeline will flow on a daily basis. No one seems to be able to get a clear number and everything is in the planning stages. Some of the containment that the pipeline uses, such as the shut off switches, or spill detection are far better and more up to speed than the 1963-1968 rail cars that are being used to transport the oil. Some of the cars do not have stem protection if they come off the wheels. A rail car can carry up to 330,000 gallons per car with 60 – 100 cars on a train. You have a heck of a lot of potential for a spill. It would be ideal if it did not come through our town at all on the rail, river or pipeline. But out of the three ways of transportation, he feels the pipeline is more containable than what we have going over the Rondout creek. Councilperson Freer sits on several committees and will continue to do research. If new data comes out he is willing to revisit his decision. However at the present time, out of the three means of transportation he feels the pipeline is the safest and voted not to oppose.

**Supervisor Coutant** has heard both pros and cons but he has weighed in on listening to the people of our town. He asked what would happen if there is a spill in the Hudson? All of the townspeople he talked to said they feel the pipeline appears to be the safer option down the road, and are looking for him to support the pipeline. He would like to see if the pipeline can cut down the amount of oil that will be transported down the river or by rail system. Supervisor Coutant does not feel we have enough information from the company relating to safety and is premature to say what could or will happen. The potential of 5000 people losing their drinking water from a spill in the Hudson is a huge concern of Supervisor Coutant. He voted not to oppose the pipeline but is willing to change his decision as we go forward if the data shows it is not a safer option and will be the first to petition for change.

**RESOLUTION TO ALLOW  
HIGHWAY SUPERINTENDENT TO ATTEND  
2015 HIGHWAY SCHOOL IN ITHACA**

**WHEREAS**, the Town of Esopus, Highway Superintendent Michael Cafaldo has requested to be allowed to attend the 2015 Highway School in Ithaca, New York from May 31<sup>st</sup> – June 3<sup>rd</sup>, 2015. Registration fee will be \$100.00 per person and the cost of lodging will be \$139.00 per night at the Holiday Inn in Downtown Ithaca. Michael Cafaldo would like Derrick Brown to attend this school with him.

**THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Esopus, County of Ulster, State of New York, gives their permission to Michael Cafaldo and Derrick Brown to attend the 2015 Highway School in Ithaca, New York from May 31<sup>st</sup> – June 3<sup>rd</sup>, 2015.

**Resolution offered by:**            **Supervisor John Coutant**  
**Seconded by:**                    **Councilperson Kyle Barnett**

<b>Supervisor John Coutant</b>	<b>AYE</b>
<b>Councilperson Wayne Freer</b>	<b>AYE</b>
<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Kyle Barnett</b>	<b>AYE</b>
<b>Councilperson Diane McCord</b>	<b>AYE</b>

**Resolution duly adopted.**

**RESOLUTION TO APPOINT**  
**WATERFRONT ADVISORY BOARD MEMBER AMY CAHILL**

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

**WHEREAS**, the Town of Esopus Waterfront Advisory Board has a vacancy to be filled the Town of Esopus Town Board recommends the appointment of Amy Cahill to a term which will expire on December 31, 2015,

**THEREFORE, BE IT RESOLVED**, the Town of Esopus Town Board appoints Amy Cahill to fill this vacancy which will expire on December 31, 2015.

**Resolution offered by:** Councilperson Diane McCord  
**Resolution seconded by:** Councilperson Wayne Freer

<b>Supervisor John Coutant</b>	<b>AYE</b>
<b>Councilperson Wayne Freer</b>	<b>AYE</b>
<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Kyle Barnett</b>	<b>AYE</b>
<b>Councilperson Diane McCord</b>	<b>AYE</b>

**Resolution duly adopted.**

**HIGHWAY UPDATE**

There was a gasoline spill at the Highway Garage. The underground supply pipe to the pump broke with the harsh frost this winter. An estimate of 200 gallons of gas went into the ground. It went undetected until the snow started to disappear. Upon discovery, the Town took immediate action. The spill was reported to the DEC and American Petroleum was hired to

assist with the clean up. The cost is estimated to be \$200,000 and Supervisor Coutant said it will be rough to raise that money. The Town Board has done a diligent job for the past 5 years keeping taxes as low as possible. The budget has been scaled back to barebones. The soil needs to be transported to a recycling center where they burn off the gas through a roasting process. Soil recycling is the right choice for the environment and Supervisor Coutant said he is proud of the Board for making the right decision.

Councilperson Kyle Barnett said we immediately got on it. The good news, thanks to the clay layer in the ground, is the gas was contained to the Highway Garage area. DEC has attested that it had no environmental impact on the surrounding wetlands. The Board has made numerous visits to the sight and have made many phone calls to resolve the issue.

Councilperson Freer said looking into the future to make sure it doesn't happen again, the Board voted there will no longer be a bulk gasoline tank at any Town facility. A gas card system like the county uses will be put into place.

Councilperson Van Vliet said we will still have a 1000 tank for diesel. Replacement fill was removed from the transfer station to save money.

Highway personnel have been fantastic. Insurance coverage is being looked into but the Board has no answers at this time what will be covered

Councilperson Diane McCord said the cost of the spill will be a monumental problem with our budget this year. She explained the state has been setting a 2 % tax cap and it has been difficult to adhere to over the past few years. Now this year the Governor expects us to save an additional 1% by working with other municipalities, even though our costs go up 20%-40%. Our Highway Department has already been working with other municipalities over the years borrowing trucks or a paver.

Supervisor Coutant thanked the Town of Kingston for sending a truck and Manpower to help with the spill. We all try to work together for a common goal.

### **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 April 2015**

**AO-0599.000 Fund Balance                      AO-5132.401 HWY Garage Cont.      \$19,544.19**

**A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.**

**OFFERED BY:                                      Councilperson Gloria Van Vliet  
SECONDED BY:                                  Councilperson Kyle Barnett**

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

**Supervisor John Coutant                      AYE  
Councilperson Wayne Freer                    AYE  
Councilperson Gloria Van Vliet                AYE  
Councilperson Kyle Barnett                    AYE  
Councilperson Diane McCord                  AYE**

**RESOLUTION AUTHORIZING PAYMENT OF BILLS**

**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:

<b>General Fund</b>	<b>151146 - 151192</b>	<b>\$ 112,472.15</b>
<b>Highway Fund</b>	<b>152084-152113</b>	<b>\$ 26,526.76</b>
<b>Street Lights</b>	<b>156004</b>	<b>\$ 7,214.29</b>
<b>Port Ewen Sewer Fund</b>	<b>153035 - 153048</b>	<b>\$ 119,604.05</b>
<b>Port Ewen Water Fund</b>	<b>154086 - 154117</b>	<b>\$ 40,087.80</b>
<b>Total.....</b>		<b>\$305,905.05</b>

**A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.**

**OFFERED BY: Councilperson Diane McCord**

**SECONDED BY: Councilperson Wayne Freer**

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

Supervisor John Coutant	AYE
Councilperson Wayne Freer	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Kyle Barnett	AYE
Councilperson Diane McCord	AYE

**APPROVAL OF MINUTES**

**A MOTION TO APPROVE THE MINUTES OF PREVIOUS MEETINGS WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED SUPERVISOR JOHN COUTANT. ALL TOWN BOARD MEMBERS IN ATTENDANCE VOTED IN FAVOR. MOTION CARRIED.**

**COMMUNICATION & REPORTS ARE AVAILABLE IN THE TOWN CLERK'S OFFICE**

**ADJOURNMENT**

**A MOTION TO ADJOURN AT 8:20 PM WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON DIANE MCCORD. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.**

**Respectively Submitted,**

**Holly A. Netter  
Town Clerk**