

**TOWN BOARD MEETING  
May 21, 2019**

A regularly scheduled Town Board Meeting was held on Tuesday, May 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 - Absent**

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

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

**PLEDGE**

**PUBLIC COMMENT**

**Barbara Carroll, Old Post Rd resident, made the following comments:**

- The existing zoning code has a Route 9W overlay district which is supposed to "protect residential uses, **maintain traffic safety** and preserve the scenic and historic settings in this area." [123-6(M)]. Here, traffic safety was not adequately considered (*e.g. no true planning for cross-access with the abutting sites*). Also, there is no landscaped screening on the south side as required.
- The public was told at the April 24 Esopus hamlet Fire House meeting that the Planning Board referred to a traffic study prior to the HSC-Esopus site plan approval. A NYS-DOT review was also mentioned in the Planning Board minutes.
  - What kind of traffic study was done and when? Was it prior to the site plan approval in February?
  - Was the "study" referred to merely the authorization of the curb cut (Highway Work Permit) which only addresses visibility and physical factors of the entrance? It would be unusual for DOT to deny a curb cut for a project that has been already approved by the Town.
  - Was any "Traffic Impact Study" or other "safety" study requested of NYS-DOT?
  - Was accident data tracked by and available from NYS-DOT reviewed by the Planning Board?
  - If more than the HWP was done, where is it in the planning board or building department materials? And why hasn't the public been shown that data?

She asked if the 3 Councilpersons who voted against the NYSDOT traffic study at the May 7<sup>th</sup> meeting please explain their reasons?

### Recommendations

- Immediately, for this specific site:
  - **Those of us traveling these roads daily are requesting a review of traffic volume, speed, and accidents in this stretch of highway and whether additional controls should be introduced (whether a traffic light, limits on new driveways, changes to traffic flow, etc.) to improve safety.**
- For the future, around Esopus hamlet
  - The Planning Board must expand its notification procedures beyond the minimum legal requirements, alerting more than the immediate abutters, taking care that legal notices are properly descriptive. Almost no one in our area knew of the Dollar General application or came to the Public Hearing, despite many clear concerns about the project once we found out about it.
  - The draft comprehensive plan is calling for increased development in the Esopus hamlet. It was apparent at the Esopus Fire House meeting that local citizens strongly prefer minimal commercial development and only that which stays within the local agri-tourism category, not national chains or big box stores. We expect the new zoning to reflect residents' desires by limiting the types and/or size of businesses that can be located in the hamlet.
  - Whatever the nature of future development, we are asking for traffic safety planning in this vicinity before future applications come along and before zoning is adopted that supports more dangerous and/or unwelcome development.
  - To that end, the Town Board should make the new zoning regulations require the Planning Board to carefully consider traffic issues in all individual site plan reviews.
  - More comprehensively, a study of traffic in this area should also be undertaken by DOT, or perhaps the Ulster County Transportation Council, to look at how safety can best be managed and ultimately implemented through the new zoning code and/or through improvement to the roads.

\*\*Councilperson Van Vliet said she felt this was an attack on the Planning Board and the meeting was noticed properly.

### Updates

**Kingston School Board vote** – Limited time remaining to vote on KCS budget. New polling places Bailey and Miller schools tonight 3 pm – 9 pm.

**Esopus Riverfront Access and Connections Project** – Open house for community input on Wednesday, May 22 7-8:30 PM here at Esopus Town Hall.

**Esopus Memorial Day parade** – Monday, May 27, 2019 starting at 10 AM.

**Esopus passport day** – Ulster County clerk's office to come to Town Hall June 6 from 5:30-7:30 PM to help residents apply and renew their passports, Town Clerks' office will be there to assist.

**Dyno Nobel / DEC clean up meetings and notice** – Upcoming workshops/public availability sessions scheduled for June 27 and July 18 at Esopus Town Hall. Approximately 800 residents will receive mailings.

**Revised Master Plan adoption schedule** – Councilman Jared Geuss reviewed the revised schedule for Master Plan adoption.

5/21 received draft from LaBerge

5/29 CPC to approve

6/4 hard Copy for Town Board to review and set Public Hearing date

**No early voting in Esopus** due to Town Hall inaccessibility for disabled persons and space constraints. Also if voting was held in Port Ewen the City of Kingston would not be considered as a location; Esopus could not handle that volume.

**Charter / Spectrum** – Carol McTague of the Public Service Commission visited the Ulster County Supervisors mtg. in regards to Esopus' situation and the public access equipment. Supervisor Harris is trying to get other towns to assist in paying for the outdated public access equipment with the franchise fees they are collecting. Esopus does not charge a franchise fee and therefore does not have the money to pay for the equipment. Supervisor Harris will keep the Town Board posted of her negotiations.

**Lakeshore Villas** –Supervisor Harris and Building Inspector Sal Morello drafted a letter which the Board agreed on sending to E&M Management from the Town regarding the Lakeshore Villas complex.

## **AGENDA**

### **DEBT RESTRUCTURING PROPOSAL FOR 2006 SERIAL BONDS – JEFF SMITH, MUNICIPAL SOLUTIONS**

Jeff Smith of Municipal Solutions gave an overview of why the time is right to restructure the bonds. The original bonds were issued at a net interest of 4.49%. The estimated new interest rate on a current refunding of the outstanding portion of the bonds is estimated to be 2.85%. This results in projected budgetary savings of \$341,807.50 over the remaining life of the bonds (approximately \$20,000 per year for the next 17 years). On a new present value (NPV) basis this translates to over 13% of NPV savings. The industry's general rule of thumb is that a refunding makes sense to move forward if the NPV savings are at least 3%, so this far exceeds the threshold. The next recommended step is to issue an RFP to select the underwriter that will be working on the transaction. This is because the bond will be sold through a negotiated process and the RFP will bring an element of competition into the transaction. Municipal solution will assist the Town with preparing the RFP and analyze the responses to make a selection.

Once the underwriter has been selected the Town Board would adopt a refunding Bond Resolution, which would name the appointed underwriter and give the Town the authority to issue the new bonds. With Municipal Solutions assistance, the Town would work to prepare the Official Statement which is a document that gives potential investors a 5 year overview of the Town's financial, operating and economic data. Once that is complete the pricing takes place. At that time the Town would know the actual interest rate on the new bonds and would lock in the savings. The closing typically takes place 2 -3 weeks after pricing. The overall time frame is 2 – 3 months; estimated late July. Brian Pickard, CPA and Deb Kane, Bookkeeper were present.

**A MOTION TO SIGN THE SCOPE OF WORK FOR MUNICIPAL SOLUTIONS CONTINGENT UPON PAGE 2 BEING REVIEWED BY PAUL KELLAR, ATTORNEY FOR THE TOWN, WAS MADE BY COUNCILPERSON GLORIA VAN VLIET. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

### **Tentative Workshop Locations**

Supervisor Harris said some residents have made suggestions of moving the Town meetings around through the hamlets. Councilperson Gloria Van Vliet said this may be a good idea, past town boards tried but it was not successful. Meetings dates and locations were set at the Organizational Meeting for 2019 and she suggests the new schedule begin in 2020. She does not feel the Library adds a benefit since it is right down the road. Supervisor Harris said she wants to get out of these four walls. Councilperson Jared Geuss offered meeting with the hamlets to discuss past minutes if we can't make it happen this year. Councilperson Kathie Quick thinks it is a good idea to go out but also questioned the library location. Town Clerk Netter said she was in favor of going to other locations as well but felt there were many questions that needed to be answered prior to the locations being moved. There are certain criteria the meeting locations need to have according to the Association of Towns and many question need to be answered prior to making the move. Some of the questions relate to ADA compliance, security, alarms, accessibility for set up and clean up, acoustics, executive session location, access to data, etc. All meetings and locations have previously been set by the Board at the Organizational Meeting and could cause confusion since all of this information has already been sent to the Daily Freeman for their meeting calendar. Town Clerk Netter said several years ago one of the boards changed the day and time of their meetings and although the Freeman was notified of the change, the wrong information was printed in the paper causing residents to get angry. Town Clerk Holly Netter is concerned that people will feel the Town is playing the shell game. People who have a concern and a grievance know that Town Hall is the home base and when they can find us here.

The Board will need to make a motion to approve new locations and they will have to be reposted in the paper. Town Clerk Netter thought it would be beneficial for the Esopus, Rifton and St. Remy locations but did not feel it was of great benefit to move the meeting to the library since it was already within the Port Ewen hamlet. She reminded the Board access to prior minutes and documents will not be available at the offsite locations which may cause a

topic to be tabled and revisited at the next meeting. Town Clerk Holly Netter said she wanted this to be a positive experience and felt the August date suggested by Councilperson Geuss would allow enough time to work through the logistics and notify the public of the change in location.

**A MOTION WAS MADE BY SUPERVISOR HARRIS TO GO OUT AND MOVE THE LOCATION OF THE 8/6 MEETING TO THE ESOPUS FIRE HOUSE, SEPTEMBER WORKSHOP TO RIFTON FIRE HOUSE AND POSSIBLY OCTOBER MEETING TO ST. REMY'S FIRE HOUSE AFTER WE CAN CONFIRM EACH LOCATION MEETS ALL REQUIREMENTS. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS.**

<b>SUPERVISOR SHANNON HARRIS</b>	<b>AYE</b>
<b>COUNCILPERSON GLORIA VAN VLIET</b>	<b>NO **</b>
<b>COUNCILPERSON JARED GEUSS</b>	<b>AYE</b>
<b>COUNCILPERSON KATHIE QUICK</b>	<b>AYE</b>
<b>COUNCILPERSON CHRIS FARRELL</b>	<b>ABSENT</b>

**\*\* Councilperson Van Vliet said she felt the meetings should start in 2020 since the meeting dates and locations were set previously at the organizational meeting.**

#### **HIGHWAY SUPERINTENDENT UPDATE – REVIEW WORK SCHEDULE**

Mike Cafaldo sent a list of work that is scheduled to be done by the Highway department in 2019:

- Oil and chip reseal 1800' of Burroughs Drive
- Replace pipe from Eugene St to outlet & pave that section
- Mill and pave 2 blocks on Green St. from Salem St. to Stout Ave
- Pave Hasbrouck Ave. from 9W – Bayard St.
- Pave entire Lampman Ave. to dead end
- Pave section of Swartekill Rd. from the 4 corners south
- Pave section of Carney Rd by Coffee Systems
- Pave Horton Lane from 9W to Bayard St.
- Pave Cowhough Rd. complete 2 miles (done)

#### **Drainage and Water Infrastructure Meetings**

The Town has been having drainage and water infrastructure meetings to study our infrastructure for the first time, learning what we can do better to deal with flooding all over the Town. We are mapping and digitizing the entire water infrastructure identifying areas where brakes are likely to occur. This will give us an understanding what the schedule should be for replacement of those water mains over time so we are planning for the future and not always responding to an emergency with a band aid solution.

The scopes of the projects are coming to an end and the findings are getting ready to be shared. Supervisor Harris is proposing a training session for the Highway and Water departments possibly on June 21 or a rainy day where they can each learn about each other's infrastructure. There can be training on the ipads that they will be using out in the field to identify certain infrastructure and best practices shared. She would invite the Town Board to that meeting and open it up to residents who are interested. Tighe & Bond made approximately 40 site visits. See best practices, what to look out for and hear different suggestions where the Town can make improvements that would not cost more money just a little more labor.

The Board was in favor of the training. Councilperson Van Vliet said as long as the training works with their schedule and does not interfere with work the Superintendents planned on getting done.

**Annual MS4 report – Motion to approve Supervisor signing MS4 report by Stormwater Officer.**

**A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE THE 2019 MS4 STORMWATER REPORT PREPARED BY SALVATORE MORELLO III. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**Sleightburgh Spit Park Signage and Rules**

The operating hours and the need for procedure changes has been the topic at several Town Board meetings this year. Supervisor Harris said the hours have been set for the Park, 6 am – 9 pm. New signage has been designed. A question of how to deal with cars left in the park after 9 pm has to be further discussed. The Board is eliminating the issuance of keys and setting park hours. The public launch will be limited to boats less than 23 ft and trash will be carry in carry out. Supervisor Harris said this is not preventing access to people who want to fish early or late, they can walk in. This is being done at the request of the neighborhood to eliminate loitering and possible drug activity. We are listening to their concerns and giving the police rules they can enforce. This will be discussed further at the June 4<sup>th</sup> meeting.

**NYSDOT INQUIRY FOR TRAFFIC SAFETY IN HAMLET OF ESOPUS**

Supervisor Harris read the resolution and the discussion took place prior to the offering/vote.

Councilperson Gloria Van Vliet said the first part of the resolution she agreed with however, she is not in favor of going ahead with the traffic study prior to getting the feedback from the DOT. In her opinion, there is no higher volume of traffic than when you come into town from Kingston between 5 pm – 6 pm. Traffic is backed up from the center of town by Sojourner Truth Park traffic light all the way back to the intersection by North Broadway/Old 9W and over

the bridge. 9W does not seem to be able to handle the traffic that flows through the town. The speed is an issue on 9W in general; no one adheres to the speed limit. She addressed the comments made previously by Ms. Carroll and said she felt the intent of Mrs. Carrolls' speech was to attack the Planning Board and their diligent work. Projects take 3-4 months to clear, they go to the DOT to get the curb cut and Public Notice was properly noticed but no one attends. Councilperson Van Vliet feels there is issue with all of 9W and feels the Hamlet of Esopus is targeting the Dollar General and prejudice against them. The Dollar General application was approved in February and she asked for residents to give them a chance. The Planning Board did a thorough study. Barbara Carroll said it was not meant as an attack on the Planning Board, but said there was so little local notification. Councilperson Van Vliet said they do what is required by law. Mrs. Carroll said other towns have better notification practices.

The DOT issued the curb cut without the study because typically Dollar General Stores run the type of business that is not sensitive to rush hour traffic like a Dunkin Donuts.

Kathie Quick stated drivers on 9W in general drive too fast. The police seem to target closer to the Highland line and in the Port Ewen hamlet but not in the Esopus hamlet.

Supervisor Harris said there is nothing to lose by having the study done and the people want it. She feels it is justified to ensure the safety of people driving through Town.

Jared explained his vote for the last resolution was No because that was a targeted attack on Dollar General. Councilperson Geuss said, "When you have economic drivers coming into your town, whether you agree or don't agree with it, we get a reputation for throwing everything we can at you and not help you, as a Town you get a bad reputation. During the hamlet meeting we learned how we can reach out better between the hamlets and we are working on improving the outreach. The Town does not want to put forth items that will hurt other proposed development in that area. The Planning Board also did the best job they could by getting a pleasing aesthetic look. "

Residents are concerned and said that Dollar Generals' business model is to drive out the other stores in the area. They are concerned for the Country Store and Apple Bin who are family run and have been living and doing business in the area for a long time. They are not against commercial business but there is a difference between a national chain store and a business like Molly Rose.

Councilperson Geuss said part of having these community meetings was to find out what everyone wants in their area and see if we can get those businesses here. When the EDC finds those businesses, he hopes to have those same passionate people support those projects.

**ESOPUS TOWN BOARD RESOLUTION  
Requesting NYSDOT Traffic Safety Inquiry**

WHEREAS, the Town Board of Esopus wants to promote pedestrian and vehicle safety. This resolution recognizes that residents living near the hamlet of Esopus have stated they are experiencing a high rate of traffic accidents and cars traveling at higher than normal rates of speed along the Rt. 9W corridor between Main Street (North) and Black Creek Road (South). **NOW THEREFORE, BE IT RESOLVED**, the Town Board is formally requesting that the NYSDOT provide the Town with recent data of traffic flows along Route 9W between those intersections which may offer more insight into the traffic safety issues near the hamlet of Esopus.

The following are questions for NYSDOT:

1. What is the service rating for this stretch of road?
2. Has a traffic safety study occurred over this stretch in recent years? If so, what is the date and conclusions of the study?
3. Our residents claim frequent accidents are occurring in this vicinity. We would like to understand if the NYSDOT has data on these purported accident incidents, and if so, does this justify a double check of the traffic metrics?
4. How frequently does NYS DOT automatically refresh traffic studies, or must a series of accidents occur warranting such review? What triggers a new study to be performed?
5. Has NYSDOT reviewed accident detour response planning for this high traffic volume area? When an accident occurs, residents report detour routes are enacted over a significant distance to the west that routinely conflict with train crossings in potentially unsafe ways. Further, due to the long detour distances, manning the turns over the entire route is not possible and has led to drivers becoming lost and turning around in driveways. Can the DOT provide traffic re-routing information for accidents that might occur between those intersections?

**FURTHER**, if there has not been a traffic study of the 9W corridor between Main Street (North) and Black Creek Road (South) performed within the past five (5) years, the Town Board requests that a traffic study of the stretch of road between those intersections be initiated in the interest of public safety.

**RESOLUTION OFFERED BY:** Supervisor Shannon Harris  
**SECONDED BY:** Councilperson Jared Geuss

<b>Councilperson Gloria Van Vliet</b>	<b>NO **</b>
<b>Councilperson Jared Geuss</b>	<b>YES</b>
<b>Councilperson Kathie Quick</b>	<b>YES</b>
<b>Councilperson Chris Farrell</b>	<b>ABSENT</b>
<b>Supervisor Shannon Harris</b>	<b>YES</b>

\*\*Councilperson Van Vliet said she felt there should be two separate resolutions: first to ask the questions and second to for the traffic study. She also felt the area of study should be broadened and not just target the Dollar General area.

**MARSHALL AND STERLING ADDITIONAL ACCIDENT POLICY ROSS PARK SUMMER CAMP**

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPROVE THE ADDITIONAL PAYMENT OF \$448.00 TO MARSHALL & STERLING FOR SPORTS ACCIDENT – ACCIDENT MEDICAL SPECIAL BLANKET INSURANCE THROUGH MARKEL INSURANCE FOR THE TOWN OF ESOPUS SUMMER CAMP AT ROSS PARK. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**DEAN SOMMER ENVIRONMENTAL ATTORNEY – DYNO/ DEC**

Councilperson Van Vliet said this is going to cost the Town a lot more money and Dyno Nobel should be responsible for any expenses even if we had to ask for an attorney. What is it going to cost? She is very concerned about the spending in the Town. She said it seems someone else should be liable for the cost other than the Town. Supervisor Harris said it will cost a lot more if we do not take appropriate risk management actions to look after our interests by retaining an environmental attorney for \$275 per hour. What he produces could save a huge amount of money in the long run.

**A MOTION WAS MADE BY SUPERVISOR HARRIS TO SIGN THE AGREEMENT WITH DEAN SOMMER, ESQ AT A RATE OF \$275 AND ASK ATTORNEY KYLE BARNETT TO PULL BACK AFTER GIVING HIS SUMMARY IN REGARD TO THE DYNO NOBEL ENVIRONMENTAL CLEAN UP. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**PEAK POWER - REPLACE HEAT SHIELDS**

**A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE PEAK POWER TO REPLACE THE HEAT SHIELDS ON THE GENERATOR AT THE NEXT SCHEDULED VISIT IN THE AMOUNT OF \$810.49. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

**GRANT FOR LWRP UPDATE – TABLED**

**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 MAY 2019**

AO. 0599.000 Fund Balance To

AO.1620.436                    \$ 2,238.87  
Peak Power Generator

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

**OFFERED BY:**                    Councilperson Jared Geuss  
**SECONDED BY:**                Councilperson Kathie Quick

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

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

**RESOLUTION AUTHORIZING PAYMENT OF BILLS MAY 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:

<b>GENERAL FUND</b>	<b>191213 – 191277</b>	<b>\$ 77,897.43</b>
<b>HIGHWAY FUND</b>	<b>192107 - 192127</b>	<b>\$ 51,799.50</b>
<b>STREET LIGHTS</b>	<b>**196083</b>	<b>\$ 5,878.68</b>
<b>PORT EWEN SEWER FUND</b>	<b>193054 - 193063</b>	<b>\$ 10,872.32</b>
<b>PORT EWEN WATER FUND</b>	<b>194098 - 194117</b>	<b>\$ 20,904.61</b>
<b>Capital</b>	<b>000021 - 000023</b>	<b>\$ 9,768.34</b>
<b>TOTAL</b>		<b>\$ 177,120.88</b>

**\*\*196003 -196082 omitted in error by bookkeeper**

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

**OFFERED BY: Councilperson Kathie Quick**  
**SECONDED BY: Councilperson Jared Geuss**

<b>Councilperson Gloria Van Vliet</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>Absent</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

**ADJOURNMENT**

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO ADJOURN THE MEETING AT 9:15 PM AND WAS SECONDED BY COUNCILPERSON KATHY QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

Respectively Submitted,

Holly A. Netter  
 Town Clerk, RMC