

**TOWN OF ESOPUS
TOWN BOARD MEETING
June 16, 2022
7:00 PM**

A regularly scheduled Town Board Meeting was held on June 16, 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 - Absent
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*

Regularly scheduled meeting was called to order at 7:15, immediately following the Public Hearing on LL #1 of 2022 held at 6:45 PM.

Pledge of Allegiance

Public Comment – none

SUPERVISOR FREER MADE A MOTION TO CLOSE THE PUBLIC COMMENT. MOTION SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

DISCUSSION REGARDING ACCESSORY MARINA CAMPGROUNDS

SUPERVISOR FREER MADE A MOTION TO WITHDRAW LOCAL LAW 1 OF 2022 “ACCESSORY MARINA CAMPGROUNDS” AS WRITTEN. MOTION SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR.

CHANGE OF DATE FOR WORKSHOP MEETING

SUPERVISOR FREER MADE A MOTION TO CHANGE THE JULY 7, 2022 WORKSHOP MEETING TO JUNE 30, 2022 AT 7:00 PM. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

MS4 REPORT

The draft MS4 report covering the period ending March 9, 2022 was discussed at a previous meeting and a copy of the report has been available on the Town Website www.esopus.com, posted to the Clerk's Bulletin Board and hard copies were available in the Clerk's office. No public comment was received on the report.

A MOTION WAS MADE BY SUPERVISOR FREER TO APPROVE THE ANNUAL MS4 REPORT AND FILE THE FINAL COPY WITH THE STATE. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Introduction of [proposed local law](#) to amend Chapter 109 of TOE Town Code: "Taxation," by adding a new article V, "Assessments for Collection of Fees and Costs"

RESOLUTION

SUPERVISOR DANIELLE FREER, seconded by **COUNCILMAN LAURA ROBINSON**, introduced the following proposed local law, to be known as Local Law No. 1 of 2022, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 109, "TAXATION", OF THE ESOPUS TOWN CODE BY ADDING A NEW ARTICLE V, "ASSESSMENTS FOR COLLECTION OF FEES AND COSTS".

BE IT ENACTED by the Town Board of the Town of Esopus as follows:

Section 1. Chapter 109 of the Esopus Town Code is amended to add a new Article V, "Assessments for Collection of Fees and Costs" reading as follows:

§109-21 Legislative findings.

- A. The Town Board finds that certain costs incurred by the Town, and fees and penalties owed to the Town, related to individual properties remain unpaid, unreimbursed or uncollected

due to the difficulty and delay of collection, the legal costs of collection and the unavailability of the property owner to local or state court jurisdiction. The difficulty and inability to collect fees, costs, and expenses incurred on behalf of a specific property owner to bring the property into compliance with applicable laws or regulations, or penalties lawfully imposed by order of a court of competent jurisdiction in order to compel a property owner to do so, adversely affects the public fiscally and unnecessarily and unfairly burdens the taxpayers of the Town with costs and expenses incurred for the benefit of individual properties or because of the failure of the owner or responsible party of individual properties to comply with applicable laws and regulations.

B. The Town Board further finds that:

- (1) Village Law § 4-414 and § 5-518 provide a mechanism for assessment of such costs by villages, but that the Town Law does not contain the analogous authority and procedure.
- (2) Municipal Home Rule Law § 10(1)(ii)(a)(9-a) provides that the Town may adopt a local law related to the fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon.
- (3) The Town may, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3), adopt a local law amending or superseding the Town Law, notwithstanding it is a general law, unless the Legislature has expressly prohibited the adoption of such a local law.
- (4) The Legislature has not expressly or implicitly prohibited a town from adopting a local law similar to Village Law § 4-414 and § 5-518, or this article.
- (5) It is the intent of the Town Board that this article be effective as to outstanding costs incurred by the Town to review any pending application that was made by the owner of real property, which costs are unpaid at the time of the adoption of this article, and to unpaid costs incurred in connection with all future applications, whether made by, or consented to, the owner of real property, but not to unpaid costs incurred by the Town prior to the adoption of this article to review any application where the owner only consented to the application.

§ 109-21. Assessments for required work performed by Town.

A. Whenever an owner of real property or responsible party is required by general, special or local law, or by any agreement or stipulation with the Town, or by any court of competent jurisdiction, in the interest of public safety, health or general welfare, to make an improvement to the property or perform any work or act on the property, or to pay any fee, cost, expense or penalty related to the property, and such owner or responsible party shall fail to make the improvement or perform the work or act required, or to pay the fee, cost, expense or penalty, the Town Board may cause such improvement, work or act to be done

on such property, by contract or otherwise, and thereafter furnish the property owner of record a statement of the audited costs paid by the Town and a demand for payment of such costs by a date certain, which shall be the demand date.

- B. When the owner of record of real property has made, or consented to the making of, any application for permits or approvals related to the use of real property, and the Town has thereafter duly incurred reasonable and necessary fees, costs and expenses, including but not limited to engineering, legal or other professional or consultant costs and expenses, for the review of such application, and escrowed funds are not available to reimburse the Town for its payment of such fees, costs and expenses, including but not limited to engineering, legal or other professional or consultant costs and expenses, then the Town shall provide to the owner of record and to any other or additional responsible party a statement of the audited costs paid by the Town together with a demand for payment of same by a date certain, which shall be the demand date.
- C. In the event the fees, costs, penalties or other expenses referred to in Subsections A and B remain unpaid after the demand date, the Town Board may determine that such fees, costs, penalties or other expenses duly paid by the Town and for which the Town has not been reimbursed shall be assessed, levied and collected as provided herein.

§ 109-22. Procedure.

- A. Mailing of statement and demand for payment.
 - (1) Any amount which may be assessed against the property of an owner pursuant to the provisions of Subsection A of § 109-21 of this article shall, in the first instance, be billed to the property owner by first class United States mail addressed to the owner as identified by the assessment records of the Town;
 - (2) Any amount which may be assessed against the property of an owner pursuant to the provisions of Subsection B of § 109-21 of this article shall be billed to an applicant that is not the owner for payment, with a copy of the billing statement sent to the owner by first class United States mail together with a notice that the owner is ultimately responsible for any unpaid bill. The records of the Town shall be deemed sufficient to verify such mailing address.
- B. Fee dispute. The amount so billed shall be deemed presumptively valid, but may be challenged by the property owner. Any such challenge shall be made by submitting a written request that the Town Board audit and review the billed costs, which request shall be submitted to the Town Clerk no later than 65 days after the date of mailing of the bill. Such request shall specify in detail the basis of the challenge. Upon review of such challenge, the Town Board shall issue a written decision. The property owner may seek review of the decision of the Town Board by bringing a proceeding to review the decision of the Town Board in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such decision is illegal, in whole or in part.

Such proceeding must be commenced within 30 days next following the filing of the decision in the office of the Town Clerk.

- C. Levy procedures. The Town Supervisor shall include, with the Supervisor's proposed budget, the total amount of such monies which may be assessed against individual properties in accordance with this article. The Town Clerk shall prepare a roll of such amounts specifying the individual properties against which the amount shall be assessed, together with the name and address of the property owner as shown on the most current Town assessment roll. The total amount shall be included with the final budget of the Town. The Town Board shall approve the roll of individual assessments, and the same shall be assessed and levied against the properties at the same time as Town taxes.

- D. As an alternative to the procedure set forth in Subsection A, above, if an assessment against a particular property is not yet final in accordance with the procedure set forth in Subsection A, above, the Town may mail notice of the preparation of the individual assessment roll to such particular property owner. Such notice shall be mailed not less than 20 days prior to a hearing on the roll to be held at the time of the preliminary budget hearing, or such other date as the Town Board shall specify. The Town Board, following such hearing, shall approve, modify, or reject any assessment which was challenged at such hearing. The decision of the Town Board shall be final, but subject to review as set forth in Subsection B, above.

§ 109-23. Administrative fees and interest.

All amounts which are assessed in accordance with the procedure herein shall have added thereto, as an administrative fee, an amount equal to ten per centum (10%) of the original amount billed or noticed. Unpaid assessments shall accrue interest and penalties at the same rate and in the same manner as unpaid real property taxes.

Section 2. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

SUPERVISOR FREER advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She

offered the following resolution which was seconded by **COUNCILMAN LAURA ROBINSON** who moved its adoption:

WHEREAS, on **JUNE 16, 2022**, Supervisor **Danielle Freer** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus Local Law No1 of the Year 2022, a local law of the Town of Esopus, Ulster County, New York amending Chapter 109, “Taxation”, of the Esopus Town Code by adding a new Article V, “Assessments For Collection of Fees and Costs”.

WHEREAS, this legislation is a Type II Action under the New York State Environmental Quality Review Act (“SEQRA”) and will not have a significant adverse effect on the environment.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on **July 21, 2022, at 6:45 o’clock p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on **July 21, 2022 at 6:45 p.m.**, on **Local Law No.1 of the Year 2022**, amending Chapter 109, “Taxation”, of the Esopus Town Code by adding a new Article V, “Assessments for Collection of Fees and Costs”.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination on the town website www.esopus.com and at the office of the Clerk of

the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested, and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Ulster Park, New York
June 16, 2022

HOLLY A. NETTER, TOWN CLERK, RMC

The foregoing resolution was voted upon with all councilmen voting as follows:

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

Resolution duly adopted.

DATED: Ulster Park, New York
June 16, 2022

HOLLY A. NETTER, TOWN CLERK, RMC

AMERICAN LEGION POST 1298

A MOTION WAS MADE TO AUTHORIZE THE AMERICAN LEGION POST 1298 TO PLACE A CASE WITH WHEELS AND COVER UNDER THEIR WALL OF HONOR IN THE COMMUNITY CENTER. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

TIGHE & BOND WATER DEPARTMENT UPDATES AND ACTIONS

A discussion between Tighe & Bond and the Town Board regarding the following agenda items pertaining to the Water and Sewer Department took place:

Stormwater/MS4

1. Tighe & Bond to resend MS4 Mapping proposal
 - Mapping of missing MS4 information in GIS as will be required by new MS4 General Permit
 - Builds on previous storm system mapping
 - \$59,000 covered by a grant from DEC, \$6,000 match by Town
 - Board to authorize work and Tighe & Bond can start right away

A MOTION WAS MADE BY SUPERVISOR FREER TO APPROVE THE TIGHE & BOND MS4 MAPPING PROPOSAL IN THE AMOUNT OF \$65,000, \$59,000 COVERED BY A GRANT FROM DEC., \$6,000 MATCH BY TOWN. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Drinking Water

2. Tighe & Bond to break out proposal for bidding and construction phase services for the Water Treatment Plan Project
 - Funding for engineering services during bidding and construction for WTP
 - Included in 2019 WIIA Grant
 - Authorization needed by Board to allow bid by the end of June
3. Tighe & Bond to revise water main amendment proposal by 6/14 to include the extra effort to break out Route 9W water main into its own contract for bidding ASAP.
 - Design and permitting of water mains that have seen recent increase in breaks
4. Tighe & Bond to prepare a proposal by 6/14 for assisting the Town with Drinking Water State Revolving Fund Intended Use Plan (DWSRF IUP) Listing Application for the following projects
 - IUP Listing can be submitted without Board resolutions, but we would want the Board to be aware of the planned IUP listing and support the project
 - Emergency Temporary Drinking Water Interconnect to Kingston
 - WTP Main Control Panel Improvements
 - WTP Chlorine Conversion
 - E.Main & E.Stout Water Main Replacement

A MOTION WAS MADE BY SUPERVISOR FREER TO APPROVE TIGHE & BOND TO PREPARE A PROPOSAL FOR ASSISTING THE TOWN WITH THE DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN (DWSRF IUP) LISTING APPLICATION FOR THE LISTED PROJECTS.

THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Sanitary Sewer

5. Tighe & Bond to develop a proposal for bid document preparation for rehabilitation of 20 manholes on sewer interceptor by 6/14
 - o Town has identified several significant offenders of infiltration in these manholes causing Esopus to pay Kingston to treat groundwater
 - o It is anticipated that this work could be funded using ARPA funds due to the immediate need for the improvements
 - o Authorization needed by Board for Tighe & Bond to start work

 6. Tighe & Bond to send draft resolution language needed for EPG application
 - o Resolution language for Board to act on at June 16 meeting
 - o Tighe & Bond to send EPG Application Sample Letters of Support
- EPG Due on July 29

***Suggested getting letters of support from Town Board, Assemblymen, State Senators and Congressional members.

MOU WITH YMCA TO RUN SUMMER DAY CAMP AT ROSS PARK

COUNCILMAN EVELYN CLARKE MADE A MOTION TO AUTHORIZE SUPERVISOR FREER TO SIGN MOU WITH YMCA TO RUN SUMMER DAY CAMP AT ROSS PARK. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

**Councilman Laura Robinson reported that the Esopus Community foundation was able to provide 19 scholarships for Esopus children to go to camp. Camp runs 6/27/22 – 8/5/2022. A reminder was given that the Park is closed to the public during the hours of 9 am and 3 pm while camp is in session for safety purposes. Dan Vedder will be asked to locate the signs that have been previously used stating such.

ANNUAL YOUTH BUREAU CONTRACT

COUNCILMAN EVELYN CLARKE MADE A MOTION TO AUTHORIZE SUPERVISOR FREER TO SIGN THE ANNUAL YOUTH BUREAU CONTRACT WITH THE YMCA AND ULSTER COUNTY IN THE AMOUNT OF \$1,000.00. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

RESOLUTION TO HIRE FOR COURT CLERK POSITION

TOWN BOARD RESOLUTION

Supervisor Danielle Freer offered the following resolution which was seconded by **Councilman Kathie Quick** who moved its adoption:

WHEREAS, the members of the Board of the Town of Esopus have determined and agreed that it is necessary and appropriate to hire a part-time, (30 hours per week), Clerk for the Justice Court, and

WHEREAS, upon the advice and consent of the Hon. Kyle W. Barnett and the Hon. Pierce Gallagher, Justices to the Town of Esopus, Stephanie Ferraro be appointed to the part-time position referenced herein and serve as Clerk of the Justice Court to both Town Court Justices for the Town of Esopus, and

IT IS HEREBY RESOLVED that Stephanie Ferraro be appointed as Clerk of the Justice Court part-time position effective 27th day of June 2022, and

BE IT FURTHER RESOLVED that the part time Justice Clerk shall serve as the Clerk of the Justice Court to both Town Court Justices, and

BE IT FURTHER RESOLVED that the compensation for the part-time Justice Court Clerk shall be \$18.50 per hour for the 2022 fiscal year.

The foregoing resolution was voted upon with all councilmen voting as follows:

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

Resolution duly adopted.

MISCELLANEOUS

SUPERVISOR DANIELLE FREER MADE A MOTION TO USE ARPA FUNDING TO PURCHASE A 8' X 12' MAJESTIC SHED IN THE AMOUNT OF \$1,799 AS WELL AS MINOR MATERIAL TO COMPLETE THE SHED KIT. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS PRESENT. MOTION CARRIED.

- FOOD TRUCK FRIDAY 6/17 FREER PARK 4 PM – 8 PM
- YMCA SUMMER CAMP SESSION 1 BEGINS 6/27
- TOWN OFFICES ARE CLOSED MONDAY JUNE 20TH IN OBSERVANCE OF JUNETEENTH
- REPAIR CAFÉ 6/25 10 AM -2 PM ASSENSION CHURCH

BUDGET ADJUSTMENTS - NONE

RESOLUTION AUTHORIZING PAYMENT OF BILLS JUNE 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	221252 - 221303	\$64,330.27
HIGHWAY FUND	222131 - 222161	\$41,154.63
STREETLIGHTS	226002	\$6,612.28
PORT EWEN SEWER FUND	223047 -223053	\$1,211.67
PORT EWEN WATER	224148 - 224161	\$9,447.74
Capital Water		
ARPA	227003 – 227004	\$3,519.17
		\$126,275.76

Offered by: SUPERVISOR DANIELLE FREER

Seconded by: COUNCILMAN KATHIE QUICK

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

Resolution duly adopted.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR FREER AT 8:25 PM. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

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