

**TOWN BOARD MEETING
JULY 17, 2014**

A regularly scheduled Town Board Meeting was held on Thursday, JULY 17, 2014 in the Town Hall 284 Broadway Port Ewen, New York at 7:30 PM with the following persons in attendance:

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

Administrative Recorder - Holly A. Netter, Town Clerk

Supervisor John Coutant called the meeting to order at 7:30 PM.

PUBLIC COMMENT

Christopher Closi, resident of 208 New Salem Road, came to seek assistance with the unsafe living arrangements at the Hummel's Boarding Home. Mr. Closi's was also disgusted with the conditions and provisions given to the boarders of the Hummel House. He has asked Legislator Carl Belfiglio to look into this matter since Ulster County DSS pays on average \$181,480 a year to house individuals there. Legislator Carl Belfiglio has witnessed the conditions first hand and accompanied Mr. Closi at the meeting. Legislator Belfiglio made a comment that Ulster County prisoners have better living conditions than those down on their luck and it is a travesty.

Mr. Closi provided the town with pictures and a list of issues he felt needed to be addressed regarding the living conditions at the Hummel House. Mr. Closi had been advised by legislator Carl Belfiglio to attend the meeting in an effort to make the Town Board aware of these issues. Councilperson Kyle Barnett asked Mr. Closi if he contacted our Building Inspector to make him aware of the complaint. After listening to all of Mr. Closi's concerns, Councilperson Barnett asked Mr. Closi to contact Tim Keefe, our Building Inspector, because a written complaint needs to be filed with the Building Inspector/Code Enforcement Officer. Many of the concerns do not fall under the jurisdictions of the Town Board however, Councilperson Barnett assured Mr. Closi that he would follow up with Tim on the safety concerns. The Town Board thanked Mr. Closi for bringing this matter to their attention.

Legislator Carl Belfiglio said in the past 2 years the County has been relieving the towns of the safety net and is now looking at absorbing the election cost. Legislator Belfiglio reviewed how the costs have impacted the towns over the year. He feels the County has tried to lessen the

burden on the Towns and the County expects all of the Towns in Ulster County to stay within their tax cap. A large portion of the budget is state mandated. The county will be voting next month on the resolution to take over the Election costs from the Towns in Ulster County. Supervisor Coutant said he has all of the documentation for every one of the voting machines that this town had purchased. A few years ago when the act changed and the new computers where bought the County took every machine that the tax payers owned back from the town. The expense of delivering these machines to the county fell on the Town because the County refused to come get them. The Supervisor asked Legislator Belfiglio to find out where all of our machines as well as from other towns are being held and what they are doing with them. Councilperson McCord recalls there were approximately 14 machines from our Town and each of those machines weighs approximately 1300lbs., if they were sold for scrap, who got the revenue from the sale? Supervisor Coutant feels the taxpayers have lost the dollars that were invested in the machines. Legislator Belfiglio said he will look into this matter.

Councilperson Barnett was thankful for the County taking on the safety net. However, the County should have done that a long time ago and he feels we have been paying more than our fair share of the cost for many years. We all pay for it one way or another whether it is paid in tax on a county level or town level. However, the benefit is at the county level it is spread fairly among county residents and does not put a larger burden on a specific town.

Port Ewen Water District

A. Capital Improvement Resolution

Port Ewen Water District Capital Improvement Resolution

WHEREAS, on March 16, 2000, by resolution of the Town of Esopus Town Board, the Town Board authorized the creation of a Capital Reserve Account for the expansion of the Port Ewen Water Treatment Plant and also authorized the transfer of \$ 50,000 from the Port Ewen Water District fund balance to this Capital Reserve Account.

WHEREAS, in 2004 an additional \$ 50,000 was transferred to this account from the Port Ewen Water District Fund Balance.

WHEREAS, it is in the best interest of the Port Ewen Water District that the Town of Esopus Town Board change the purpose of this Capital Reserve Account to better address future needs of the Port Ewen Water District.

WHEREAS, this account will be referred to as the Port Ewen Water District Capital Improvement Account and these funds can only be used to pay for Town Board approved capital improvements to the infrastructure of the Port Ewen Water District and any related expenses to projects related to district improvements.

THEREFORE, be it resolved, that the Town of Esopus Town Board change the purpose of this account to be used for Port Ewen Water District Improvements.

Resolution offered by: Councilperson Wayne Freer
Seconded by Councilperson Gloria Van Vliet

The Board was polled

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

B. Survey Resolution

**Survey
Resolution**

WHEREAS, the Town of Esopus Town Board has authorized the creation of an account called the Port Ewen Water District Capital Improvement Account.

WHEREAS, the Town of Esopus Town Board and the Port Ewen Water/Sewer Board of Commissioners have held discussions regarding the issue of repainting or replacing the Districts 2 million gallon water storage tank.

WHEREAS, the Port Ewen Water/Sewer Board feels that the first part of this tank project will be to conduct a licensed survey of the Town property. The cost of performing the survey work (property line, topography and proposed lot line adjustment with neighboring property) would be in the range of \$ 4,500 to \$ 6,500.

THEREFORE, be it resolved by the Town of Esopus Town Board, that up to \$ 6,500 be released from the newly created Port Ewen Water District Capital Improvement Account to pay for this survey work.

Resolution offered by: Supervisor John Coutant
Seconded by Councilperson Diane McCord

The Board was polled

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

C. Meter Replacement Resolution

Meter Replacement Resolution

WHEREAS, the Port Ewen Water/Sewer District has presented information to the Port Ewen Water/Sewer Board of Commissioners and the Town of Esopus Town Board regarding the creation of a district wide water meter change out program.

WHEREAS, information been presented to the Board of Water/Sewer Commissioners and the Town Board regarding meter reading equipment, meters and software needed to begin this program.

WHEREAS, the Port Ewen Water/Sewer District has compared and reviewed the software and meters available from several companies and has also received written quotes for the necessary devises to begin this meter replacement program.

WHEREAS, the Port Ewen Water/Sewer District has received the lowest quote from Schmidt's Wholesale Inc., PO Box 5100, Monticello, NY 12701, and secondly the Port Ewen Water/Sewer District has received a sole source letter from Schmidt's Wholesale Inc. as the authorized distributor of Badger Meters.

WHEREAS, the attorney for the Town of Esopus, Paul Kellar, has reviewed the documentation submitted and has stated in a memo dated July 10, 2014, that this purchase is exempt from the requirements of General Municipal Law 103 for competitive bidding.

WHEREAS, it is the intent of the Port Ewen Water/Sewer District to phase in this meter replacement program over a period of 3 to 4 years as funding is available.

THEREFORE, be it resolved, that the Town of Esopus Town Board allow the Port Ewen Water/Sewer District to begin this meter replacement program with the purchase of the software, reader, and 100 meters per Schmidt's Wholesale Inc. quote # Q040567, dated 6/9/14.

Resolution offered by	Councilperson Wayne Freer
Seconded by	Councilperson Kyle Barnett

The Board was polled

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

Resolution to Appoint Environmental Board/Waterfront Advisory Board Secretary

**TOWN OF ESOPUS
APPOINTMENT RESOLUTION**

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

WHEREAS, there is a vacancy for a secretary for both the Environmental Board and the Waterfront Advisory Board,

THEREFORE BE IT RESOLVED, the Town of Esopus Town Board approves the appointment of Sheila Pratt as Secretary to the Town of Esopus Environmental Board and the Town of Esopus Waterfront Advisory Board.

Resolution offered by	Supervisor John Coutant
Seconded by	Councilperson Diane McCord

The Board was polled

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

Councilperson Freer voted “Aye, with the stipulation he still does not feel it is necessary but is in favor of it”

**TOWN OF ESOPUS
APPOINTMENT RESOLUTION**

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

WHEREAS, there is a vacancy on the Town of Esopus Environmental Board,

THEREFORE BE IT RESOLVED, the Town of Esopus Town Board approves the appointment of George Williamson to the vacant position as a member of the Environmental Board term expiring 12/31/15.

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

The Board was polled

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

RESOLUTION OF THE TOWN BOARD

TOWN OF ESOPUS

Resolution in Support of Proposed County Resolution No. 224 Authorizing Ulster County to Pay for Cost of Election Expenses

WHEREAS, Ulster County Resolution No. 410 of December 6, 2006 authorized the County of Ulster to charge back the towns and the City of Kingston for the cost of elections; and

WHEREAS, the Help America Vote Act, or HAVA, mandated that all states and localities upgrade many of their election procedures, including their voting machines, registration process and poll worker training; and

WHEREAS, the increased cost associated with elections have proven to be a substantial expense and burden on the Town of Esopus; and

WHEREAS, the financial burden is expected to escalate, as future costs associated with repair and/or replacement of the new electronic voting machines could be cumbersome; and

WHEREAS, pursuant to New York State Election Law, Article 4, Section 4-136, “...the expenses of providing polling places, voting booths, supplies thereof, ballot boxes and other furniture for the polling place for any election, including the storage, transportation and maintenance of voting machines, appliances and equipment or ballot counting device, and the compensation of election officers in each election district, shall be a charge upon the county in which such election district is situated...;” and

WHEREAS, New York State Election Law, Article 3, Section 3-226 states that “All voting machines, and appliances and equipment relating to or used in the conduct of elections shall be in the care, custody and control of the Board of Elections,” and therefore, not the responsibility of the local municipalities; and

WHEREAS, the Town of Esopus has no say in the increases in the chargeback pricing rates; and

WHEREAS, the Town of Esopus has no ultimate authority as to who is hired by the county to be local election worker; and

WHEREAS, the Town of Esopus has no authority for election worker compensation rates;

WHEREAS, in a reasoned September 23, 1992 opinion to Broome County, the New York State Comptroller said in part, “there is no requirement that the chargeback should appear in a city, town or village budget,” and

WHEREAS, the county does not chargeback for services it renders from the Sheriff’s Office, Weights and Measures, Emergency Services, District Attorney’s Office, or the other county departments, and

WHEREAS, the Town has become a “middleman” in the election process rather than an active participant with any authority of home rule; and

WHEREAS, this chargeback is no less than an unfunded mandate from the County to the Town of Esopus; and

WHEREAS, County Resolution No. 224, currently pending, would direct the cost of election expenses be borne by Ulster County, and not billed to its municipalities, effective January 1, 2015; and

WHEREAS, the Town of Esopus Town Board supports the passage of said Resolution; now,

THEREFORE BE IT RESOLVED that the Town of Esopus Town Board hereby supports the passage of said Resolution and respectfully request that the Ulster County Legislature pass the proposed resolution; and be it further

RESOLVED that the Town Clerk send a certified copy of this resolution to the Ulster County Legislature and Ulster County Executive within ten (10) days.

Resolution offered by: Councilperson Gloria Van Vliet
Seconded by: Councilperson Diane McCord

The Board was polled:

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

Thank You – Peter Stanway – Selux (Town Hall Light)

Supervisor Coutant thanked Peter Stanway, CEO of Selux Corporation, Highland New York for their generous donation of a lighting fixture that was needed for Town Hall.

Electrical Inspection Agency Removal

Town of Esopus Building Inspector Timothy Keefe recommended Tri-State Inspection Agency, Inc., of Warwick New York, be removed from the list of approved electrical inspection agencies. After repeated requests, Tri State Inspection Agency, Inc. has failed to provide the Town with their insurance certificate. These agencies are listed in the Town Code 56-12a(4)(a).

A Motion was made by Supervisor John Coutant to remove Tri-State Agency, Inc., of Warwick New York, from the list of approved electrical inspection agencies provided in our Town Code. The Motion was seconded by Councilperson Kyle Barnett.

The Board was polled:

Supervisor John Coutant	AYE
Councilperson Gloria Van Vliet	AYE

Councilperson Kyle Barnett	AYE
Councilperson Diane McCord	AYE
Councilperson Wayne Freer	AYE

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 JULY 2014

AO 0599.000 Fund Balance AO 1620.403 BLDG OFFICE SUPPLIES \$ 16.72

A MOTION TO APPROVE THE BUDGET ADJUSTMENTS WAS OFFERED BY COUNCILPERSON Kyle Barnett AND SECONDED BY COUNCILPERSON Diane McCord 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:

General Fund	141301 - 141355	\$ 33,188.50
Highway Fund	142145 - 142162	\$ 110,723.55

Street Lights	146007	\$ 5,856.72
Port Ewen Sewer Fund	143095 - 143105	\$ 4,478.56
Port Ewen Water Fund	144167 - 144191	\$ 12,169.62
Total.....		\$ 166,416.95

A MOTION TO APPROVE PAYMENT OF VOUCHERS FOR THE MONTH OF JULY WAS OFFERED BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON DIANE MCCORD. 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 correction to page three of the draft workshop minutes dated 7/15/2014 was requested by Councilperson Wayne Freer. Town Clerk Holly Netter agreed to the change and the correction has been made.

A Motion to approve the minutes of previous meetings was made by Councilperson Wayne Freer and seconded by Councilperson Kyle Barnett.

The board was polled:

Councilperson Wayne Freer	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Kyle Barnett	AYE
Councilperson Diane McCord	AYE
Supervisor John Coutant	abstained (he did not review minutes)

Communication & Reports are available in the Town Clerk's Office.

Miscellaneous

Councilperson Gloria Van Vliet questioned an email that the councilmen received that day regarding Tucker Pond. Councilperson Kyle Barnett said that as a town we should not take on the responsibility but felt we should request an adjustment if we are able to secure one it should be passed onto the applicant. The Board authorized Councilperson Gloria Van Vliet as liaison to go back to the Planning Board and advise them to request an adjustment.

ADJOURNMENT

A Motion was made to adjourn the Town Board Meeting by Councilperson Diane McCord at 8:40 PM and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.

Respectively Submitted,

**Holly A. Netter
Town Clerk**