

**TOWN BOARD MEETING  
SEPTEMBER 19, 2013**

A regularly scheduled meeting of the Town of Esopus Town Board was held on Thursday, September 19, 2013 at 7:30 PM in the Town Hall 284 Broadway in Port Ewen, New York with the following persons in attendance:

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

**Administrative Recorder: Diane L. McCord, Town Clerk**

**Guests:**

**Gary Swinger, Maple Ridge  
Annemarie Belfiglio  
Legislator Carl Belfiglio, District 8  
John Haight  
Deputy Clerk Holly Netter  
Supt. Don Kiernan  
Robert Wells  
John Wolfeil  
Brian Barnes, Kingston Cable Commissioner**

Supervisor John Coutant called the meeting to order.

**Pledge to the Flag**

**Public Comments:**

**Legislator Carl Belfiglio:** Legislator Belfiglio resides in Sleightsburgh and he wanted to address the Town Board on an important subject which is our Ulster County Sales Tax Extension that we did not get this year. Over the past three or four months we did not get our request for an additional one percent through the New York State Assembly because some stipulations were wanted and included the county taking over the entire Safety Net Costs.

Last year, with Flow Control, the Ulster County Legislature freed up 2.4 million in our budget. Our Assemblyman wanted the county to take over the Safety Net costs as well as the Election costs. The county will lose about one million in sales tax revenue and that means the towns will also lose. On Tuesday, Assemblyman Cahill and the Ulster County Executive Michael Heins had a closed door meeting. It was made clear we were not getting the special one percent sales tax this year. Please plan appropriately with your town budget, for you will not get your portion of the sales tax revenue. The sales tax will go from eight percent down to seven percent. We have the potential of losing eight million dollars next year. Assemblyman Cahill said there will not be another meeting of the Assembly before the year end. We will be minus the sales tax revenue November through Jan. If the Assembly does not pass the one percent addition next year we will be minus eight million dollars. Please plan accordingly. Councilperson Kyle Barnett thanked Legislator Belfiglio for bringing us up to speed.

The Supervisor spoke In regard to the Election Costs, since it was passed down from the county. You cannot budget because we get hit with that expense after the town budgets are due. The Legislator said after meeting with Assemblyman Cahill, the election costs will not change until 2014 or 2015. Over the past few years we have had a lot of savings by selling Golden Hill and we privatized Family Services and Mental Health Services. With the savings from the Ulster County Resource Recovery Agency, we could keep the county budget status quo. Budgets never decrease they always increase. Legislator Belfiglio would like the county to take over the Election costs for it would be a big savings to the towns. Now you are paying for everything and to him it is out of control. He would like to see the county finish the Safety Net costs. We do need the sales tax extension because we have so many unfunded mandates. Our Ulster County Budget in 2011 was flat and in 2012 it was flat and there was a minus in 2013. We either have to raise our taxes for 2014 or cut costs. Executive Michael Heins has recommended police cuts. The Ulster County Sheriff must provide services at the jail, however, they do not have to do the road patrols. At this point we have eighteen million in contingency. The State stipulates you must have five percent of our annual spending in contingency. Legislator Belfiglio did not think it would get to this point. Councilperson Wayne Freer said if we are able to pass the extension will it have to be passed again in the Senate? No just the Assembly. In the Legislators opinion, we have two strong gentlemen who are both stating their case genuinely. There must be a compromise somewhere. The Legislature is the only body that can relieve this situation. In January we are hoping this will pass in the Assembly for the relief of the residents of Ulster County.

**Roscoe Pecora:** There has been a controversy over the payment of a \$6,700 electric bill for the pump station at Birchez and the road not being turned over to the town. The facts lead me to believe the Town Board felt they had a health concern and they considered the health and welfare of the community and agreed to pay the electric bill. They felt boxed in. At the Workshop Meeting the Supervisor said he had contacted the Health Department and the Water Superintendent but they could not be reached. Mr. Pecora shared in the aggravation about this problem with going back into the history of trying to accommodate Mr. Aaron. There were recommendations from the Planning Board for a recreation fee of \$1,500 which was waived, and a recommendation for a Letter of Credit which was waived and would have helped with the problem of the pump station today.

Supervisor Coutant thanked Mr. Pecora for his comments. The Town Board given the facts we had that night, would make the same decision again because none of us wanted to see what would have happened if that pump station was turned off with electric. It would have taken time for Central Hudson to turn it on again. The second thing is the lost documents that originally came up came out again out of Supt. Don Kiernan's file for the easements of the road and the station. Modifications were made and sent over to Mr. Aaron and that is the last we saw them. They should have been in the Town Clerk's office and they were not. We are now in the position to move forward a little more.

We have had conversations in good faith with Steve Aaron about the repayment of the money. He recognizes the problem that went on there and so does the Town Board and so do the constituents. Our first priority as a Town Board was for the safety of the people who may be affected by such a devastation thing. In conclusion I have got to say...if we had that kind of foresight and insight we would have bought Lottery Tickets because we would have known what the numbers would be. We did not know, with the circumstances we had, but we knew that night what we had to deal with. I can read the newspaper, if we did not deal with the situation, how seventy-five or eighty units of people would be in the street and it would be said the Town Board neglected to take care of the safety issue....I can read

that. I am proud of what the Town Board did and I will stand by it one hundred percent. Councilperson Kyle Barnett thanked Roscoe for his comments and when he said a lot of nice things about the Town Board a couple months ago. He said we did a great job in keeping the taxes down and getting the town running great and we all appreciate that because we all worked very hard to make that happen. In dealing with this, there was a health crises looming if we did not address this matter. Moreover, from my understanding, and this goes back before my tenure on the Town Board, when this whole project began and was actually completed, it was the understanding that the Town would take over the pump station and the road following the completion. There is no reason, in the documentation that I have reviewed, that this did not happen a lot sooner, based upon the deed was executed and completed. There was a grease issue several months ago that has resolved, based upon the documents I have reviewed and with the exception of some minor issues. This really was a town responsibility, we were faced with a situation that was resolved. Over the past three years I have been on this Board, every time we were faced with a crises, the thing that I have always enjoyed about this board is we come together so we can minimize any aspect that may have impacted the town. This case was no exception. We did the right thing.

Councilperson Gloria VanVliet said it was a unanimous decision that we made. We had to think about it carefully and we had to act that evening and every one of us said yes we have to act on it and we have to pay for it. We made the right decision with the facts that we had. Councilperson Wayne Freer agreed and said with the facts that were given to us that evening and with the possibility of a public disaster in that area with the electricity being shut off to the pump station, for the public safety we acted. Councilperson Donna McAuley said it was a public safety issue and we acted in the best interest of the town's people. I was on board and it was a public safety issue.

**John Wolfeil:** I do appreciate your consideration of what you did that night. I would like to see the money paid back as soon as possible. It would be kind of nice if the taxpayers got the money back, it would be the right thing to do. Is there a separate deed? Yes, answered Councilperson Kyle Barnett, we have a separate deed for the road. What is the easement? The easement is for the pump station. Does the deed go all the way through River Road? Yes, answered the Supervisor. The easement for the pump station is ready and the road will be a separate entity. The Supervisor asked Mr. Wolfeil if he lived in his house when the project was being built in 2008 & 2009. Mr. Wolfeil has lived there for three years. Welcome to the town.

**Holly Netter:** I am grateful that Mr. Aaron has agreed to pay that money back but what is the time frame?

Councilperson Kyle Barnett asked to address the question. He believed Steve Aaron was on the phone with the Supervisor right before this meeting. The matter is being taken care of as we speak. No one asked Steve Aaron to pay the money back he offered to pay it back. Deputy Clerk Holly Netter responded she is being asked a lot of questions. Supervisor Coutant said let the record show I will be communicating with Steve Aaron tomorrow at 9 AM. We had a nice conversation shortly before this evenings meeting. All the positive things we said to one another, we were both in agreement that there was a public safety situation and he has voluntarily agreed to pay this \$6,700. He is the principal in the Birchez operation but he is not the owner. I own Kingston Auto Supply and I can do what I want to do but he is not the owner, he has people he has to talk with and communicate with but he has offered to pay out of his personal money and his checking account and pay this town back. It is a honorable thing

and I think we have to wait and see. I am sure something good will come out of it and I have all the faith in the world he will do what he said he would do. The conversation we had was of thirty-five minutes ago. Councilperson Barnett was reminded he has a very specific budget and principals he must answer to and this will come out of his personal funds. The Supervisor said in any corporation you have a person, a corporation and board of directions all these people involved. Steve Aaron is not the sole owner of Birchez. That is why it is called Birchez Associates. Steve Aaron has his own title and he is not the owner it is the chief associate he is not fully in charge of the funding of the association. There is a second problem no one has brought to the table. I have known Steve Aaron a good number of years and I have taken his word a number of times. He has come through and done what he said a number of times. I know that is hard with some of the stuff you read in the newspapers or whatever. Steve likes this town and he likes being here. You have a complex in the Town of Esopus that is number three in the USA. It doesn't get any better than that. Number three in the country. Steve Aaron built it. We have a lot to be proud of and every resident that is over there commended us on paying that bill so it did not get into a situation where they had to move out of their houses. Steve when he really thought about this decided to pay the bill personally. He is a man to step up and he didn't care about what the people in control had to say. With this I will get off my podium.

**John Wolfeil:** If I had been living here when this was done we would never have had our access blocked like that. I can guarantee you that. Supervisor Coutant said had that been an issue and brought to Steve Aaron's attention I think the man would have addressed it.

### **1. Scenic Hudson Fall Festival Donation**

We are in receipt of a letter from Scenic Hudson where a \$300 donation was given for our Esopus Fall Festival.

"Dear Mrs. McCord: I am pleased to enclose a check in the amount of \$300 payable to the Town of Esopus for sponsorship of the 2013 Esopus Fall Fest. We are happy to again support an event that is so popular with residents and visitors. Esopus has many special qualities and features, and it is wonderful that this festival will celebrate those attributes. Scenic Hudson will again be staffing a booth at Medrex with information on Scenic Hudson public park facilities in Esopus. Sincerely, Steve Rosenberg, Executive Director, The Scenic Hudson Land Trust, Inc."

Supervisor Coutant said this is our biggest event and it is very successful. It is a lot of work to put something like this together but I am glad we take the time to do it. We will again do it next year.

### **2. Resolution – Attorney – Riverview Tax Certiorari**

We are sometimes asked to reduce assessed value on a property and once in a while the town attorney cannot act to represent the town because he has clients who may pose a conflict of interest for him. Councilperson Kyle Barnett found another firm to represent us in the Riverview Tax Certiorari matter.

**TOWN OF ESOPUS  
ATTORNEY APPOINTMENT RESOLUTION FOR  
RIVERVIEW TAX CERTIORARI**

**BE IT RESOLVED**, by the Town Board of the Town of Esopus, in the County of Ulster, State of New York, to appoint David Murphy, Esq. of Hacker & Murphy, 7 Airport Park Blvd, Latham, New York 12110 as the Attorney representing the Town of Esopus regarding the Tax Certiorari for Riverview.

**THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Esopus authorizes the Town Supervisor to complete and sign the retainer form to hire David Murphy, Esq.

**Resolution offered by Councilperson Wayne Freer  
Resolution seconded by Councilperson Donna McAuley**

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

**Resolution duly adopted.**

**3. NYMIR**

We have received all of the money we originally invested joining the New York Mutual Insurance Reciprocal Insurance Agency several years ago. Now this company has made investments and they recently sent us a check for \$3,589.50 in interest and have promised the same amount next year. They now insure fifty percent of the towns and villages throughout the state with their company. Several years ago they inspected our parks and gave several suggestions of how to improve the safety in our parks. We made the corrections and our insurance costs are at a minimum. We have to thank the town employees and everyone who uses our vehicles and those making the town as safe as it can be.

**4. SSI – RENEWAL AGREEMENT**

SSI provides fire protection in our Town Hall for the period Dec. 1, 2013 to Nov. 30, 2014 at a cost of \$1,720 per year (same as last year).

**A Motion to authorize Supervisor John Coutant to sign the SSI Fire & Explosion Protection Agreement for the period Dec. 1, 2013 to Nov. 30, 2014 was made by Councilperson Donna McAuley and seconded by Councilperson Kyle Barnett. All Town Board Members voted in favor. Motion Carried.**

**5. Sojourner Truth Park Opening**

Supervisor Coutant said there is a big event this Saturday afternoon. After five years of work the Sojourner Truth Committee will finally achieve their goal of dedicating a statute of Sojourner Truth.

Supervisor Coutant will speak and all the detours will be in place to close the road. This dedication will be recognized on a national basis. The Town of Esopus has a NYS and National Award for our revolving solar panel display and now a national figure will be recognized from the Town of Esopus in the dedication of Sojourner Truth Statute honoring her for being born and raised in Esopus for the first thirty years of her life. It is an event you will remember forever. Bring a chair and visit. The event will be filmed and televised on Channel 23.

**6. Budget Adjustments**

**RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS  
September 19, 2013**

**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 September 19, 2013**

<b>AO 0599.000</b>	<b>Fund Balance</b>	<b>AO 1010.4</b>	<b>Town Board Contractual</b>	<b>\$4,239.13</b>
		<b>AO 7110.4</b>	<b>Parks Maintenance</b>	<b>\$1,267.73</b>
		<b>AO 8162.4</b>	<b>Landfill Maint. Contract</b>	<b>\$3,745.47</b>
<b>DA 0599.000</b>	<b>Fund Balance</b>	<b>DA 5112.4</b>	<b>Chips</b>	<b>\$13,208.50</b>

**Resolution offered by Councilperson Kyle Barnett  
Resolution seconded by Councilperson Wayne Freer**

<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>Councilperson Kyle Barnett</b>	<b>Aye</b>

**Resolution duly adopted.**

**7. Payment of Vouchers**

**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>131415 - 131467</b>	<b>\$ 46,683.90</b>
<b>Highway Fund</b>	<b>132185 - 132212</b>	<b>\$ 76,828.50</b>
<b>Street Lighting</b>	<b>136009</b>	<b>\$ 8,467.75</b>
<b>Port Ewen Sewer Fund</b>	<b>133114 - 133128</b>	<b>\$ 7,298.59</b>
<b>Port Ewen Water Fund</b>	<b>134216 - 134244</b>	<b>\$ 23,295.32</b>
<b>Total.....</b>		<b>\$162,574.06</b>

**Resolution offered by Councilperson Donna McAuley  
Resolution seconded by Councilperson Gloria VanVliet**

<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>Councilperson Kyle Barnett</b>	<b>Aye</b>

**Resolution duly adopted.**

**8. Approval of Minutes**

**A Motion to approve the previous monthly Town Board Minutes was made by Supervisor John Coutant and seconded by Councilperson Kyle Barnett. All Town Board Members voted in favor. Motion Carried.**

**9. Communications and Reports of Officials and Committees**

The communications for September were received and the following reports of Boards and Officials are on file in the Town Clerk's Office:

Town Clerks' monthly report dated August 2013

Town Board Minutes for Town Board Meetings and Workshop Meetings dated August 3, 2013, August 13, 2013, and August 15<sup>th</sup>

Planning Board Minutes dated July 10, 2013 and August 14<sup>th</sup> 2013

Planning Board Minutes dated July 10, 2013

Waterfront Advisory Minutes dated Aug. 27, 2013

Building Department Report dated August 2013

Port Ewen Water & Sewer Board Meeting Agenda dated Sept. 10, 2013

Zoning Board Minutes dated August 20, 2013

**A Motion to adjourn the meeting was made at 8:25 PM by Councilperson Donna McAuley and seconded by Councilperson Gloria VanVliet. All Town Board Members voted in favor. Motion Carried.**

**Respectfully submitted,**

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