

**Town Board Meeting
September 16, 2021**

A regularly scheduled Town Board meeting was held at the Esopus Town Hall 1 Town Hall Way Ulster, Park NY. The meeting was also available via zoom, live streamed on Facebook and televised on local access channel 23 on Thursday September 16 2021 at 7:00 PM with the following persons in attendance:

**Supervisor Jared Geuss
Councilman Kathie Quick
Councilman Chris Farrell
Councilman Evelyn Clarke
Councilman Laura Robinson**

Recording Administrator Holly A. Netter, Town Clerk, RMC

Supervisor called the regularly scheduled meeting to order at 7:04 pm. This meeting immediately followed the continuation of the public hearing on proposed LL #12, amending the town code and zoning map to establish the mixed use floating zone district known as the new hamlet MFZ.

PUBLIC COMMENT:

Dusty Nason and Bridget McGrew shared their vision for Multi – Use Courts for Pickleball and Tennis. Their proposal included reconfiguration plans for Ross Park as well as Cas Landi Park. Their proposal included resources, funding, sketches, and future considerations. A packet was given to each Board Member for review. Councilman Quick suggested they also share their ideas with the Parks & Recreation Commission.

Eminent Domain – Publication of Determination of Findings and proceedings on acquiring title to SBL# 64.1-1-16 for the purposes of construction of an access road to the Town of Esopus Water Supply & Distribution Project.

**DETERMINATION AND FINDINGS
OF THE
TOWN BOARD OF THE TOWN OF ESOPUS
IN CONNECTION WITH THE PROPOSED ACQUISITION OF REAL PROPERTY FOR
THE ACCESS ROAD TO THE TOWN OF ESOPUS WATER SUPPLY AND DISTRIBUTION PROJECT**

On August 5, 2021, pursuant to Eminent Domain Procedure Law Section 201, a hearing regarding the Town of Esopus Water Supply and Distribution Project, (“Project”) a proposed public project, was held. The purpose of the hearing was to inform the public and to review the public use to be

served by the project and the impact of the project on the environment and the residents of the area where the Project will be constructed.

The access road to the Project is located at Route 9W, Town of Esopus, Tax Map number 64.1-1-16 and is owned by Silver Realty, LLC. The Project involves the construction and maintenance of a water storage tank that services the Port Ewen Water District (“District”).

On September 16, 2021, within 90 days after the conclusion of the public hearing, the condemner, the Town of Esopus, (“Town”), made its determination and findings based on the hearing. A copy of the determination and findings will be forwarded to any interested person without cost, upon written request to the Town.

The Town of Esopus had determined and found:

Public use, benefit and purpose to be served by the proposed Project.

The existing 2 MG tank (“existing tank”) was constructed and put into service in the mid-1970’s. A functioning tank is critical as the District supplies approximately 300,000 gallons per day, (gpd). The existing tank needs significant repair and repainting such that it would be more cost effective to replace it. The existing tank is a welded steel tank that has a protective coating, both inside and out, to prevent corrosion. However, the coating has reached the end of its useful life. To re-coat the existing tank, a temporary tank would need to be installed, the existing tank would be drained and taken out-of-service, sandblasted, spot-repaired, and re-coated, all at a significant cost. After 25-30 years, the re-coating process would be expected to be necessary again. In lieu of that re-coating alternative, the Town has previously determined that replacement of the tank with a new tank was the prudent decision, and those design efforts are proceeding. Once complete, the new tank will similarly benefit the customers of the District, and the proposed easement will allow for its construction, as well as for future access to the proposed tank for monitoring and maintenance purposes.

The Project will benefit the public as the tank is necessary to meet the peak domestic and fire-flow demands of the District. Accordingly, the existing access road to the tank is also essential. Access to the tank will allow District personnel to decommission the existing tank, install the new tank and, thereafter, occasionally inspect, monitor, and maintain it.

The existing tank site is fenced for security, with a lockable gate for access. The proposed tank site will also be fenced for security and will utilize the existing lockable gate for access. The existing access road has been used since the original tank was installed, about 45 years ago.

Alternative options

The Town considered three possible alternative routes to access the tank property. At the hearing the alternatives were referred as Options 1A, 1B and Option 2. Options 1A and 1B would begin at Route 9W, which would then conceptually run approximately 900 feet easterly to the

tank site. (See MAP 2)¹. Option 2 would conceptually begin from one of the parking lots at the southern-end of the Lakeshore Villas Apartment Complex. Option 2 is not workable because there was no feasible grading determined or shown, as the road grade would have been greater than 25%, which is excessive and not viable.

Map 3 shows a possible finished grading plan and profile for Option 1A. The objective of this option was to overcome the steepest section of the route, with minimal filling on the lower section closer to Route 9W, and to follow existing topography as much as possible. However, as noted on the drawing of Map 3, Option 1A is not viable, as a portion of the road grade remains excessive at almost 21%.

Map 4 shows a possible finished grading plan and profile for Option 1B. The objective of Option 1B was to mimic, or at least not exceed, the maximum slope of the existing access road on the Silver Realty property, at about 15%. Although this may be possible with a grade of 14.8% as shown on the Map 4, Option 1B is not viable due to the amount and cost of fill required to build the access road, the extent of clearing and land disturbance, and the possibility that the finished grading would extend beyond the Town's property line.

Environmental, Permitting, and Practical considerations:

In addition to the reasons previously stated for deeming Options 1A and 1B not viable, the Town also considered environmental, permitting, and practical concerns. First, the vegetation in the vicinity of the hydrant on Route 9W suggests that there might be hydric soils present, with a wetlands designation that would require further mitigation and possible wetlands replication if a new access road were constructed there. Secondly, and again for both Options 1A and 1B, a new access road onto Route 9W would require a Highway Work Permit from the New York State Department of Transportation ("NYSDOT"). Due to the curve in the road just south of the new access road location, the sight distance with northbound traffic may be a concern, and there is the possibility that the NYSDOT would not issue the Highway Work Permit. Finally, with regards to Option 1B, the extent of fill in this area would create a situation where the existing 12" water line would be buried too deep for practical access, such as fixing a water main break, so a new water main would also need to be installed for reasonable future access, which would add even more cost to Option 1B.

For the proposed easement, there would be very little environmental disturbance, particularly since the access road is already in place and has been used for the past 45 years. The portion of the existing access road that traverses the Silver Realty, LLC property is approximately 860 feet long, and would not require re-grading of the overall road slope. Work envisioned for the existing access road is limited to: widening of the road to accommodate larger construction vehicles (i.e., concrete trucks, etc.), as compared to typical vehicles used to monitor the site (i.e., pickup trucks, SUV's, etc.); selective removal of trees adjacent to the existing access road to accommodate

¹ All referenced maps were supplied to the Town Board and utilized at the Public Hearing.

construction vehicles and the road widening; trimming of tree branches to accommodate construction vehicles; rough grading to eliminate existing tire and runoff erosion ruts; the addition of a polypropylene geotextile membrane on the existing access road to stabilize the subgrade; and installation of a new layer of crushed gravel for improved and safer driving conditions.

Dated: **September 16, 2021**
Ulster Park, New York
Town of Esopus Town Board

RESOLUTION

Supervisor Geuss introduced the following resolution, which was seconded by **Councilman Chris Farrell**, who moved its adoption:

WHEREAS, the Town Board, by Resolution passed on October 6, 2020, approved commencement of an action for condemnation relief under the New York Eminent Domain Procedure Law to acquire real property located on Route 9W, Town of Esopus, Ulster County, Tax Map number 64.1-1-16 in connection with the access road to the Town of Esopus Water Supply and Distribution Project (“Project”); and

WHEREAS, in accordance with Article 2 of the New York State Eminent Domain Procedure Law, a Public Hearing was held on August 5, 2021, at 6:34 p.m., where public comments were heard regarding the public uses, benefits and purposes to be served by the proposed acquisition; and

WHEREAS, after consideration of the record of the proceedings related to the location of the access road to the Project, including the record of the Public Hearing held pursuant to the Eminent Domain Procedure Law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Determinations and Findings for the acquisition of property described herein, in the form attached

hereto, and directs the Town Clerk for publication and service of synopsis of the attached Determinations and Findings in accordance with the provisions of the Eminent Domain Procedure Law; and it is

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Town Attorney is hereby authorized and directed to proceed to have the necessary acquisition maps prepared to satisfy the requirements of the Eminent Domain Procedure Law, and to prepare and file the necessary petition and accompanying documents with the Supreme Court, Ulster County, New York for an Order granting the Town permission to file the acquisition maps in order to obtain title to the subject property for the purpose of construction an access road to the Town of Esopus Water Supply and Distribution Project.

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	AYE

DATED: Ulster Park, New York
September 16, 2021

HOLLY A. NETTER, TOWN CLERK, RMC

Traffic Concerns – discussion and follow-up on status of traffic safety signage installations in the hamlets of Sleightsburgh & Connelly. Two Stop signs are to be installed in Connelly as well as Sleightsburgh. Councilman Chris Farrell asked if Mike Cafaldo could attend a meeting to get an explanation on why he cannot install a stop sign on Millbrook and Connelly Rd. The Board would also like an expected date on when it will be installed.

Energy Code – **Laura Petit and Arielle Gartenstein** encouraged the Town to consider adopting the NY Stretch Energy Code per request from the Environmental Board & Climate Smart Committee. This matter was brought to the Environmental Board’s attention by Matt Roger of Laberge Group. Adopting NY Stretch may make the Town eligible for a \$5,000 grant incentive.

It is an overlay to the existing energy code and mandates more energy efficient construction. Supervisor Guess asked how it has been received from builders? Arielle said there has been no push back from buildings or zoning in the City of Kingston. Town of Esopus Building Inspector Mark Jaffee is well versed in the code and should be able to answer any questions. Councilman Farrell suggested running it by the Planning Board for input. Supervisor Guess asked if there had been any cost comparisons done for the old code vs new code. Arielle said NYSERTA published comparisons and she would get the information to the Board for review. NYSERTA has guidance on the website for homeowners, builders and local government.

Sojourner Truth Day – Potential resolution designating Friday November 26 as Sojourner Truth Day in the Town of Esopus.

Town of Esopus

Town Board

PROCLAMATION

WHEREAS, Sojourner Truth is “a daughter of Esopus,” and lived the first 28 years of her life as an enslaved person in what is now known as the Town of Esopus. She was born circa 1797 as property of Col. Johannes Hardenbergh in Swartekill, now Rifton, in Ulster County, New York, to enslaved parents, Bett and James Baumfree. She was given the name Isabella, and would later take the name Sojourner Truth in acknowledgment of her role as an emissary of justice and truth, **and**

WHEREAS, this daughter of Esopus, whose exact birth date is unknown because enslaved Africans were not regarded as human beings, lived an extraordinary life of struggle, determination and achievement – a distinctly American tale of perseverance against difficult odds, **and**

WHEREAS, Isabella was forced to stand on the auction block upon the death of her owner, Col. Hardenbergh in 1806, and sold for \$100 along with a herd of sheep. She was cruelly separated from her brother and her aged parents, and sold to John Neeley, an English shopkeeper on the Rondout Creek, where Isabella endured brutal beatings because she spoke Dutch and could not understand the Neeley’s commands, **and**

WHEREAS, Isabella was subsequently purchased for \$105 by Martinus Schryver, owner of the Jug Tavern located on the corner of Broadway and River Road, in what is now known as Port Ewen. As an enslaved young child, she had to walk without shoes in all seasons to the Rondout Creek and take the ferry from Sleightsburgh to Kingston to perform various errands, along with carrying packages of liquor and supplies back to the tavern, **and**

WHEREAS, in 1810, at the age of thirteen, Isabella was sold for \$175 to John Dumont who owned a farm overlooking the Hudson River in what is known as West Park. She remained enslaved until 1826 when Dumont rescinded his promise to free Isabella a year earlier than New York's decreed emancipation date, **and**

WHEREAS, Isabella walked away to freedom across Shaupeneak Ridge in the pre-dawn hours carrying her infant daughter, Sophia, and a few meager belongings. She was forced to leave her other children enslaved. Fortunately, she encountered the Van Wagenens in Rifton, who were anti-slavery, and who purchased Isabella and Sophia's freedom for \$25, **and**

WHEREAS, a few months after celebrating New York's emancipation of slavery on July 4, 1827, Isabella learned that her 5-year old son, Peter, had illegally been sold out of state. In response, she walked barefoot 5 miles each way from the Van Wagenen's in Rifton to the courthouse in Kingston and brought a successful lawsuit for her child's return, **and**

WHEREAS, following these events, Isabella would adopt the name Sojourner Truth, take her story and journey the East Coast of the United States preaching peace, justice, persistence and rights for women and men of all colors. To this day we are inspired by Isabella's remarkable contributions and encouraged to use our voices to support social justice in our time, **and**

WHEREAS, in recognition of her efforts and significance to the history of the advancement of women's suffrage, equal rights in regards to race, and the moral character of her nation, the Town of Esopus has erected a statue in Port Ewen, depicting Sojourner as a child, a reminder of the existence of slavery in New York and the global atrocity of the enslavement of children that continues today, **and**

Therefore, Be It Resolved, that, in the spirit of celebrating the lasting contributions and continued relevance of Sojourner Truth's life story, Supervisor Jared Geuss, Supervisor of the Town of Esopus, hereby proclaims Friday, November 26th, 2021, as 'Sojourner Truth Day' in the Town of Esopus and urge all residents to recognize that this is a day for people of all races, creeds, and backgrounds to join together in celebration of the legacy of Sojourner Truth.

TIGER YOUTH FOOTBALL – CAS LANDI FIELD

Tiger Youth Football (Brian Cafaldo) looking for Approval for use of Casi Landi Field for practice.

A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO AUTHORIZE TIGER YOUTH FOOTBALL TO USE CAS LANDI FIELD 5:30PM-7PM ON MONDAYS, TUESDAYS AND THURSDAYS (THROUGH OCTOBER 21ST) 5:30PM-7PM ON MONDAYS, WEDNESDAYS AND THURSDAYS (FROM OCTOBER 25TH THROUGH NOVEMBER 18TH). INSURANCE CERTIFICATE HAS BEEN PROVIDED. THE MOTION WAS SECONDED BY CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

GIRL SCOUTS TROOP 60006 -MARY KAISER

A MOTION WAS MADE BY COUNCILMAN EVELYN CLARKE TO AUTHORIZE THE LAKESHORE GIRL SCOUT TROOP 60006 TO USE THE COMMUNITY ROOM THURSDAY'S STARTING 9/23 FROM 5:30-6:30PM. CONTINGENT UPON THE RECEIPT OF AN INSURANCE CERTIFICATE LISTING THE TOWN OF ESOPUS AS ADDITIONAL INSURED. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

This troop has adopted Sleightsburgh park helping with clean up, the building of Bat Houses for Batoween and little Libraries for the park. They have a booth for the honey bee jubilee, and running games for the Movie Night at Ross Park on September 25th. This troop has committed to serving the Town of Esopus community.

UPDATES

Town Budget – Budget Workshop Meeting #2 to be held at Esopus Town Hall on Thursday, October 7th at 6:30 PM.

UPCOMING EVENTS

Honey Bee Jubilee @ Ross Park

Sat, 9/18, 11:00 AM – 4:00 PM

Hosted by the Town of Esopus Environmental Board

The Esopus Environmental Board has partnered with Master Gardener Marjorie Pullman to celebrate the hardworking honey bee, highlighting a few of Marjorie's favorite planet-friendly tips. There will be vendors, food and environmental educators to make this a fun event for kids and adults. For more information, visit www.bit.ly/EsopusENVJubilee2021.

Esopus Apple Festival

Sat, 9/25, 8:00 AM – 4:00 PM

Hosted by the Port Ewen United Methodist Church

Join us in a celebration of the Town's 50th Annual Apple Festival! Baked goods and other apple treats can be purchased at the United Methodist Church located on 151 West Main St. in Port Ewen. For more information, visit www.bit.ly/EsopusAppleFest2021.

Esopus 5K Run/Walk

Sat, 9/25, starting at 9:00 AM

Hosted by the Town of Esopus Parks & Recreation Commission

A new course has been created to make this year's race a scenic tour of the Port Ewen hamlet. Walk/Run as an individual or as a family. Registration required. For more information or to register, visit www.bit.ly/Esopus5K2021.

Yard Sale Day

Sat, 9/25, All-day

Hosted by the Town of Esopus

A map of participating sales can be found at www.bit.ly/EsopusYardSales2021. To add your yard sale to our map, contact us by email at outreach@esopus.com or call [\(845\) 331-0676](tel:(845)331-0676) and leave your name, phone number, street address, and sale hours.

Family Fun Night @ Ross Park

Sat, 9/25, 4:00 PM – 8:30 PM

Hosted by the Town of Esopus Parks & Recreation Commission

This program will feature tables from local organizations, food trucks, games, and an outdoor film screening of 'The Princess Bride' at sunset. All events are kid-friendly. For more information, visit www.bit.ly/EsopusFFN2021.

EXECUTIVE SESSION

A MOTION WAS MADE BY SUPERVISOR JARED GEUSS TO ENTER INTO EXECUTIVE SESSION AT 8:02 PM FOR THE PURPOSE OF INTERVIEWING APPLICANTS FOR VACANCIES ON THE PARKS & RECREATION COMMISSION, ENVIRONMENTAL BOARD, WATERFRONT ADVISORY AND TO DISCUSS AN APPLICANT FOR THE POSITION OF CLERK TO THE TOWN JUSTICE. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

THE MOTION TO COME OUT OF EXECUTIVE SESSION WAS MADE BY COUNCILMAN KATHIE QUICK AT 8:55 PM. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

ACTION:

A MOTION WAS MADE BY SUPERVISOR GUESS TO APPOINT JESSICA SMITH TO THE PARKS AND RECREATION COMMISSION TERM TO EXPIRE 12/31/2021. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SUPERVISOR GUESS TO APPOINT ARIELLE GARTENSTEIN TO THE ENVIRONMENTAL BOARD WITH A TERM TO EXPIRE 12/31/2021. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SPERVIOSR GEUSS TO APPOINT JEANNE HARRIS AS CLERK TO JUSTICE AT A RATE OF \$18.50 START DATE 9/27/2021. THE MOTION WAS SECONDED BY LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO CONTINUE EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING AN ONGOING LITIGATION MATTER RELATING TO THE TOWN BUILDING DEPARTMENT WAS MADE AT 8:55 PM THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

THE MOTION TO COME OUT OF EXECUTIVE SESSION WAS MADE BY SUPERVISOR GUESS AT 9:24 PM. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR: MOTION CARRIED.

ACTION:

A MOTION WAS MADE BY SUPERVISOR GEUSS TO FOLLOW THE SUGGESTIONS MADE BY JUDGE FISHER TO PROCEED ADDRESSING A LOCAL LAW AND PILOT PROGRAM FOR CASTAWAY MARINA.

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN CHRIS FARRELL	NO**
SUPERVISOR JARED GEUSS	AYE

MOTION CARRIED 4 AYE -1 NO

**Councilman Farrell stated he opposed the vote because there were no indication of approval from Ulster County or State Health Departments, they have not paid the \$7,000 settlement/ attorney fees and was not in favor of rewarding noncompliance.

Councilman Farrell said since the Town already paid for the rezoning and at that time, Castaway didn't comply, will he be paying for a revisit to the zoning? Supervisor Geuss said we intentionally kept RV uses off the zoning update because of the litigation. Reasonable request to have Castaway pay for the revision for special waterfront district and accessory use.

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 SEPTEMBER 2021

SS 0599.000	Fund Balance	AO 1420.400	\$7,729.55
		Attorneys	

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

OFFERED BY: COUNCILMAN CHRIS FARRELL
SECONDED BY: SUPERVISOR JARED GEUSS

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN CHRIS FARRELL	AYE
SUPERVISOR JARED GEUSS	AYE

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

RESOLUTION AUTHORIZING PAYMENT OF BILLS SEPTEMBER 2021

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	211433 - 211491	\$80,805.55
HIGHWAY FUND	212152 - 212172	\$26,497.46
STREET LIGHTS	216007	\$6,146.74
PORT EWEN SEWER FUND	213087 - 213102	\$7,204.12
PORT EWEN WATER FUND	214183 - 214201	\$7,642.56
Water Captial	210007 - 210008	\$19,306.25
Rec Escrow		
TOTAL		\$147,602.68

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

tb 9-16-21

OFFERED BY: Councilman Kathie Quick
SECONDED BY: Councilman Chris Farrell

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN CHRIS FARRELL	AYE
SUPERVISOR JARED GEUSS	AYE

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

ADJOURNMENT

A MOTION WAS MADE BY SUPERVISOR JARED GEUSS TO ADJOURN THE MEETING AT 9:35 PM. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

*Respectively submitted,
Holly A. Netter
Town Clerk, R.MC*