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**TOWN OF ESOPUS
TOWN BOARD MEETING
September 19, 2024, 7:00 PM**

A regularly scheduled Town Board Meeting was held on September 19, 2024, in person at 1 Town Hall Way, Ulster Park. Meeting. The following persons in attendance:

**Councilman Laura Robinson
Councilman Evelyn Clarke
Councilman Kathie Quick
Councilman Jared Guess
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 a voicemail on 845 331 0676 prior to the meeting**
- 3.) **EMAIL – ireynolds@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***

Supervisor Danielle Freer called the meeting to order at 7:05 pm.

PLEDGE TO THE FLAG

PUBLIC COMMENT

Derick Karabec, 24 Hudson Lane read the following:

I want to address several issues with the code and zoning enforcement officer. While the CEO was conducting official business, he told town residents that a project that was in front of the planning board was going to go through and their opposition was meaningless. These may not be his exact words, but his statement as a town official was unprovoked. This raised several questions.

How does the CEO know the outcome of a project before the application is even complete? Is the Planning Board influenced by the CEO? Does the CEO have the authority to allow any project he likes to proceed?

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What it does explain is why the CEO has written unsolicited letters of determination that would affect that project. It also explains why the CEO would contradict himself in two letters of determination. This is in front of the zoning board right now.

Now about the contradictory letter of determination. It should not put a financial burden on the applicant (me) for questioning an obvious legal issue the CEO created himself. This should be on the town or the CEO.

In Tuesday's zoning board meeting, the CEO stated that property owners should have the right to do what they want on their property. I thought his job was to enforce zoning, which limits what a property owner can do.

Mr. Karabec said almost a year ago he raised concerns about safety issues on Hudson Lane and he reached out to the CEO who told me he reached out to the state. Mr. Karabec said he was told by the CEO that he had contacted the state and had no response. On three occasions Mr. Karabec called the state and was able to get an answer the next day. He also allows projects that are in front of the planning board, that the planning board specifically said cannot be opened, yet there is construction on site. He picks and chooses what he wants.

Councilman Jared Geuss said partial operating is allowable if there are different sections; not to hold the business back. They can grant partial/temporary operating permits. Mr. Karabec said he goes to every meeting and two months in a row, the business was told no further construction.

Supervisor Freer said the Building Department is allowed to issue temporary operating permits.

Mr. Karabec said he had safety questions relating to section D 701 of the state fire code and he brought the matter up four times at town board meetings and nothing has been done.

Councilman Jared Geuss asked what he felt was needed to fix Hudson Lane to be brought to code.

Mr. Karabec said it needs to be 20' wide and has to have a second fire egress before any future development on Hudson Lane can be made for the safety of the residents.

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

**RESOLUTION OF THE TOWN BOARD
Town of Esopus
Ulster County, New York
Resolution
Propane Bids**

Whereas, The Port Ewen Water/Sewer District advertised and received bids for Propane to be supplied for a period of (1) one year, beginning October 1, 2024 and ending September 30, 2025.

Whereas, bids were received and opened at the office of the Town of Esopus Town Clerk, on September 17th, 2024.

Whereas, the lowest bidder for propane was **Bottini Fuel, 2785 W. Main St., Wappingers Falls, NY 12590 at \$1.449 per gallon**

Therefore, be it resolved that the Town of Esopus Town Board award the bid to **Bottini Fuel** by Order of the Town Board, Town of Esopus, this September 19, 2024

OFFERED BY:	SUPERVISOR DANIELLE FREER	
SECONDED BY:	COUNCILMAN LAURA ROBINSON	
	COUNCILMAN LAURA ROBINSON	AYE
	COUNCILMAN EVELYN CLARKE	AYE
	COUNCILMAN KATHIE QUICK	AYE
	COUNCILMAN JARED GEUSS	AYE
	SUPERVISOR DANIELLE FREER	AYE

Resolution duly adopted.

**RESOLUTION: PURCHASE OF HIGHWAY DEPARTMENT TRUCKS
TOWN OF ESOPUS RESOLUTION
TO AMEND THE 5/2/2024 RESOLUTION TO PURCHASE
HIGHWAY DEPARTMENT TRUCKS**

Whereas, the Town of Esopus Highway Department requires new dump trucks for the purpose of maintaining the public roads of the Town of Esopus; and

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Whereas, a resolution was approved at the October 6, 2022, Budget meeting authorizing the Town of Esopus Highway Superintendent to execute a Lease Purchase Agreement to acquire three 2024 Western Star vehicles; and

Whereas, said equipment has not been available due to supply chain issues; and

Whereas, one similar vehicle, Kenworth T880 Tandem Axel Dump Truck at the cost of \$57,570.85 per Annual Lease Payment, Amount financed of \$242,641.90 was available and was approved at the 5/2/24 Town Board Workshop; and

Whereas, the two additional 2024 Kenworth T-480 Dump Trucks are now available at the Annual Lease Payment of \$84,278.53, a Total Amount financed of \$487,228.46; and

Whereas, NCL has been competitively bid and awarded through Sourcewell (formerly NJPA); and

Whereas, this falls within the parameters for procurement from a NY State approved bid list under a 7 Year Lease Purchase Agreement with NCL contract #011620-NCL.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Esopus hereby authorizes the Town of Esopus Highway Superintendent and the Town Clerk and the Town Supervisor to execute said Lease Purchase Agreement and to sign such other documents as may be necessary to acquire said Highway Vehicle with Lease Service Center, Inc. dba NCL Government Capital ("NCL").

OFFERED BY:	SUPERVISOR DANIELLE FREER	
SECONDED BY:	COUNCILMAN JARED GEUSS	
	COUNCILMAN LAURA ROBINSON	AYE
	COUNCILMAN EVELYN CLARKE	AYE
	COUNCILMAN KATHIE QUICK	AYE
	COUNCILMAN JARED GEUSS	AYE
	SUPERVISOR DANIELLE FREER	AYE

Resolution duly adopted.

DATED: Ulster Park, New York
September 19, 2024
HOLLY A. NETTER, TOWN CLERK, RMC

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**TOWN OF ESOPUS
TAX CERTIORARI SETTLEMENT RESOLUTION
BY SAMARINA HOLDINGS LLC SBL NO. 80.1-4-4.220**

WHEREAS, tax certiorari proceedings have been filed against the Town of Esopus by Samarina Holdings LLC, in regard to the assessments upon certain property located in the Town of Esopus and designated as Parcel# 80.1-4-4.220 (the "Parcel").

WHEREAS, it is desired to settle the 2024 proceeding.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Esopus authorizes Kyle W. Barnett, Esq., of the law firm of Van De Water & Van De Water, LLP, 85 Civic Center Plaza, Poughkeepsie, New York 12601 to negotiate a settlement whereby the 2024 assessment shall be settled as follows:

Original Assessment	Settlement Assessment	Amount of Reduction
\$132,000.00	\$99,200.00	\$32,800.00

and Kyle W. Barnett, Esq is authorized to sign such documents as are necessary to effectuate the settlement.

Dated: September 19, 2024
Ulster Park, New York

OFFERED BY: SUPERVISOR DANIELLE FREER
SECONDED BY: COUNCILMAN LAURA ROBINSON

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

Resolution duly adopted.

At an IAS term of the Supreme Court of the State of New York, County of Ulster, 285 Wall Street, Kingston, New York, held on the ___ day of _____, 2024

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

SAMARINA HOLDINGS LLC,

CONSENT JUDGMENT

Index No. EF2024-1996

Petitioner,

-against-

THE ASSESSORS FOR THE TOWN OF ESOPUS, THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF ESOPUS, AND THE TOWN OF ESOPUS IN THE COUNTY OF ULSTER, NEW YORK,

Respondents.

The above petitioner having served and filed a Petition and Notice to review the tax assessments fixed by the Town of Esopus for the 2024 assessment roll, upon certain real property located in the Town of Esopus, Ulster County, New York, and designated as tax map No: 80.1-4-4.220 (1859 Broadway/Route 9W) on the Official Assessment Map of the Town of Esopus, and

The petitioner having appeared by Arciero & Burgess, P.C., Daniel C. Stafford, Esq., and the respondents having appeared by Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., Attorneys for the Town of Esopus, its Assessor and Board of Assessment Review, and the parties having made their settlement, it is hereby

ORDERED, that the assessment on the property referred to herein, be and the same is hereby reduced, corrected, and fixed for the 2024 assessment rolls as follows:

Original Assessment	Settlement Assessment	Amount of Reduction
\$132,000.00	\$99,200.00	\$32,800.00

, and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that petitioner hereby waives the right to all refunds of Town and Town Special District taxes and any other Town ad valorem taxes, if any, against the original assessments, in excess of what said taxes would have been if said assessments had been made as determined, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the County of Ulster, for tax map No: 80.1-4-4.220 (1859 Broadway/Route 9W), the amounts of County taxes and County Special District Taxes, if any, paid by the petitioner as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, that notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Highland School District, for tax map No: 80.1-4-4.220 (1859 Broadway/Route 9W), the amount of school taxes paid by the petitioner as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment, all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondents, the Ulster County Commissioner of Finance, Highland School District, and/or of the various taxing authorities, by check or draft payable to the order of Arciero & Burgess, P.C., as attorneys for the petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that to the extent any taxes or assessments are unpaid and have already been billed for the Town, School, County, and special districts in accordance with the original assessed valuation, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioner a new bill or bills, taxing said petitioner on

the basis of the final total assessed valuation as stipulated herein, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.


Dated: _____, 2024
Kingston, NY

ENTER:

Hon. Sharon Graff, JCS

Signing and entry of the
Within Order is hereby
Consented to:

ARCIERO & BURGESS P.C.

By: 
Daniel C. Stafford, Esq.
Attorneys for Petitioner
SAMARINA HOLDINGS, LLC
299 Windsor Highway
New Windsor, New York 12553

VAN DEWATER & VAN DEWATER, LLP

By: _____
Kyle W. Barnett, Esq.
Attorneys for Respondents
THE ASSESSORS FOR THE TOWN OF ESOPUS,
THE BOARD OF ASSESSMENT REVIEW FOR
THE TOWN OF ESOPUS, AND THE
TOWN OF ESOPUS
85 Civic Center Plaza, Suite 101
Poughkeepsie, New York 12601

DISCUSSION: LETTER OF SUPPORT FOR KINGSTON REQUEST – RECONNECTING COMMUNITIES

The City of Kingston plans to apply for a US DOT Reconnecting Communities Pilot grant to conduct a planning study of how the portion of Route 9W running through Kingston can be reconfigured to be less of a barrier to community connectivity. They envision reduced lanes, complete streets, etc. Because Route 9W expands from two lanes to four in Port Ewen, that seems like one of the logical limits of the study (the other being the intersection with Route 32). The City of Kingston wrote a letter to inform us that they are starting to think about this idea as a project and asked for a letter of support for the grant application.

The Board had a discussion and concerns about negative impacts that may occur should there be a reduction of lanes of traffic. Traffic already backs up to Garrigan Drive at times during rush hour. Supervisor Freer will write a letter for the Board to review before it is sent to the City of Kingston. A traffic study of the area may have recommendations for alleviating congestion entering our town which could be helpful.

LIAISON LIGHTNING ROUND

SUPERVISOR FREER:

CHPE UPDATE- CHPE had previously laid cable on the Hudson River floor however the cable was not jet plowed in the riverbed. They will be going back through next week around 10/26 to complete this task. Nick Butler, the Water Superintendent will shut down the water plant again as a precaution. CHPE has already been through Rhinebeck and testing levels were ok. Superintendent Butler will continue to monitor this project and keep Supervisor Freer informed. The Town's top priority is keeping the drinking water safe.

HIGHWAY DEPARTMENT Oil & Chip Cow Hough Rd

TOWN CLERK Deer Management Permits (DMPs) DMP Application Deadline: October 1

TRANSFER STATION- West Shore Solar is trying to install poles for their project and it appears they didn't call to have it properly marked out, digging ceased. Lenny Liberta has been keeping Supervisor Freer abreast of his concerns.

COUNCILMAN QUICK:

ZONING BOARD OF APPEALS

The ZBA met on Tuesday 9/17/24. A variance was granted for 119 East Main Street for a small lot where the deed predated zoning. Discussions continued for the interpretation of whether summer cottage colonies are required to have similar setbacks as R-40 zoning.

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ADVISORY BOARD

The WAB meeting on Wednesday, September 25 Cancelled.

ASSESSOR'S OFFICE

The Assessor's Office has been busy with calls regarding the change in some of the exemptions that are showing with the new School Tax Bills that were just delivered to residents. They also have been trying to keep up with people who have made major home improvements without a building permit.

ESOPUS SENIORS

The Esopus Seniors will have a picnic next week. The next meeting will be on Monday, October 7 at 1 PM in the Community Center. There will be a speaker with information on new rules for Medicare Supplements and Medicare Advantage Plans. Other choices will be discussed with the advantages and disadvantages of each. The seniors will have one more trip this year on October 22 for an Oktoberfest at the Riverview Inn in Matamoras PA.

COUNCILMAN CLARKE:

EDC – Joshua Stratton-Rayner, Deputy Director of Ulster County Economic Development was in last week to tour the town and sparked some good ideas for the EDC. Marjorie McCord is working on a Tugboat Trail event around the Winter Wonderland parade that will prompt people to stop into local businesses around town.

BUILDING DEPARTMENT

ENVIRONMENTAL BOARD The Honeybee Jubilee went very well. In addition, there were additional community activities such as youth soccer, girls' softball, and adult pickleball being played at Ross Park. Everyone cooperated and had a fantastic day.

COUNCILMAN ROBINSON:

PARKS & REC

Cas Landi Tennis Court lines are now complete. The next step will be getting rid of the broken items. Supervisor Freer and Councilman Robinson will be working on looking at playground equipment and seeing if they can install a basketball court.

10/26 -Trunk or Treat

BUDGET ADJUSTMENTS SEPTEMBER 2024

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:

AO.0599.000 Fund Balance to A0.7110.400 \$6,478.00
Rec Contractual Light Pole Money received from ins comp

OFFERED BY: SUPERVISOR DANIELLE FREER
SECONDED BY: COUNCILMAN LAURA ROBINSON

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

Resolution duly adopted.

RESOLUTION AUTHORIZING PAYMENT OF BILLS SEPTEMBER 2024

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	241843-241899	\$ 69,334.75
HIGHWAY FUND	242177-242205	\$353,878.49
STREETLIGHTS	246005	\$4,759.68
PORT EWEN SEWER FUND	243120-243140	\$ 13,046.12
PORT EWEN WATER	244132-244156	\$44,959.36
Capital Water	245023-245026	\$144,306.71
ARPA	247015	\$7,564.00
ESCROW	248002-248004	\$34,542.43
Total		\$672,391.54

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OFFERED BY: SUPERVISOR DANIELLE FREER
SECONDED BY: COUNCILMAN JARED GEUSS

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

Resolution duly adopted.

EXECUTIVE SESSION

A MOTION WAS MADE BY SUPERVISOR FREER TO ENTER INTO AN EXECUTIVE SESSION AT 7:42 PM TO DISCUSS PARTICULAR EMPLOYEESWORK HISTORY. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SUPERVISOR FREER TO COME OUT OF THE EXECUTIVE SESSION AT 8:52 PM. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ACTION - NONE

KEY UPCOMING DATES

9.28 APPLEFEST & TOWNWIDE YARD-SALE

10.3 NEXT TOWN BOARD WORKSHOP 7 PM, BUDGET WORKSHOP 6 PM

10.5 TOWN OF ESOPUS ANNUAL TUGBOAT FESTIVAL: 1 PM-4 PM @ TOWN HALL

10.14 TOWN HALL CLOSED: INDIGENOUS PEOPLES' DAY/COLUMBUS DAY

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR FREER AT 8:52 PM. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

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