

**Town Board Meeting
October 22, 2019**

A regularly scheduled Town Board meeting was held on Tuesday, October 22, 2019 in the Town Hall, 284 Broadway, Ulster Park, New York at 7:30 PM with the following persons in attendance:

**Supervisor Shannon Harris
Councilperson Gloria Van Vliet
Councilperson Kathie Quick
Councilperson Jared Geuss
Councilperson Chris Farrell**

**Also in attendance: Deb Kain, Bookkeeper
Brian Pickard, CPA**

Recording Administrator Holly A. Netter, Town Clerk, RMC

A MOTION WAS MADE BY SUPERVISOR SHANNON HARRIS TO OPEN THE REGULAR MEETING AT 7:30 PM. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

PUBLIC COMMENT - NONE

APPROVAL OF THE 2020 BUDGET

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO APPROVE THE FINAL 2020 BUDGET. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. A VOTE WAS TAKEN:

| | |
|---------------------------------------|------------|
| Supervisor Shannon Harris | AYE |
| Councilperson Gloria Van Vliet | NO* |
| Councilperson Jared Geuss | AYE |
| Councilperson Kathie Quick | AYE |
| Councilperson Chris Farrell | AYE |

*Councilperson Van Vliet said she voted no on the Preliminary Budget and reiterated her comments from the 2020 Budget Public Hearing held prior to this meeting. She did not like the idea of the hidden tax for the Franchise Fees.

2020 Budget approved -Motion carried vote 4 aye, 1 no.

LOCAL ZONING LAW UPDATES REVIEWED BY ULSTER COUNTY & ESOPUS PLANNING BOARDS

Supervisor Harris provided the Board with copies of the Ulster County and Esopus Planning Boards comments regarding the proposed updates to:

- Chapter 85 - Penalties for dumping offenses
- Chapter 101 - Rental property registration and inspection
- Chapter 123 - Commercial event venues including an update to the land use table
- Chapter 123-26 - Amending enforcement procedures and penalties for zoning law violations
- Chapter 123-61 - Clarifying definition of a “Family” in the zoning code, and
- Chapter 123-7- Amending zoning map to rezone excess Heavy Industrial (HI)/Light Industrial (LI) properties to General Commercial (GC)

Supervisor Harris and Councilperson Jared Geuss will get clarification of some of the concerns and seek necessary adjustments to the drafted laws through Attorney Kyle Barnett.

The plan is to introduce the Local Laws on November 4th, if everyone is satisfied a Public Hearing date can be set for December.

RE-ZONING TASKFORCE

Councilman Geuss provided an overview of the upcoming meeting for the Rezoning Taskforce which is scheduled for October 23rd at 4:30 pm in the Town Hall. They will be discussing the Zoning District Boundaries and Allowable Uses. They will be looking at engaging members from the various hamlets starting with Port Ewen, Connelly, Sleightsburgh and waterfront and moving on from there.

INTERMUNICIPAL AGREEMENT REGARDING SHORT TERM RENTAL PROPERTY DATA

A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO APPROVE SUPERVISOR HARRIS SIGNING THE INTERMUNICIPAL AGREEMENT WITH ULSTER COUNTY FOR THE SHARING OF INFORMATION RELATING TO SHORT TERM RENTAL PROPERTIES IN ESOPUS. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. AL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

STORMWATER ENGINEER OPINION SOUGHT RE CLAY ROAD SUBDIVISION

There is a 7 lot subdivision with an adjoining lot that is zoned commercial before the Planning Board for SBL# 56.83-4-40.123 in the name of PZR Construction (Ruggieri). They have provided a Stormwater Pollution Prevention Plan (SWPPP) for the proposed subdivision which does not include calculation for the adjacent lot. The Town has engaged Tighe and Bond for the stormwater study and this area was of concern. The Planning Board is inquiring as to what information would be needed relative to the commercial lot for an informed decision /recommendation on the downstream impacts of flooding. It was the consensus of the Board

to have the Planning Board engineer review the no-net increase report that was provided by Mr. Ruggieri's engineer, Jeff Hogan.

StormWater Initiative

Now that the Stormwater Drainage Study is complete there was a discussion to shift the meeting to a Quarterly basis. Quarterly there would be a report given on the status and plans of implementation by the Highway Superintendent, Water/Sewer Superintendent, Stormwater officer and residents. Approximately 20 minutes would be designated for the discussion. They can answer questions relating to when, where and how they are going to start the work. Specific areas would be designated at a time and residents who participated in the study would be invited via email to attend. This will be done as an experiment and may revert back to a committee if it gets out of hand. The dates are proposed for December 3rd, March 3rd, July 7th and October 6th.

Based on the Tighe and Bond Study, Supervisor Harris shared a sample letter she drafted to go to each of the participants of the study which include the findings and recommendations for their area. Board members were pleased that the letter states improvements depend on available resources and grant funding.

PLANNING/ZONING/WAB/EDC/ENVIRONMENTAL BOARD SECRETARY- RE- APPOINTMENT LISA MANCE

Lisa Mance has officially retired on October 19, 2019 from the NYS retirement system but would like to continue her position serving as Secretary to the Planning, Zoning, Waterfront Advisory and Environmental Boards.

MOTION WAS MADE BY COUNCILPRSON CHRIS FARRELL TO APPROVE REHIRING LISA MANCE AS SECRETARY TO THE PLANNING, ZONING, WATERFRONT ADVISORY AND ENVIRONMENTAL BOARDS WITH A TERM TO EXPIRE DEC 31, 2019. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

FEEDBACK AND POLICY RECOMMENDATIONS FROM AUDITOR

Office of NYS Comptroller sent an auditor to monitor the Town's procedures for the last month. Supervisor Shannon Harris reviewed the auditor's recommendations for new policies and procedures. Many of the issues revolved around IT security.

RESOLUTION DATED OCTOBER 22, 2019

BEING A RESOLUTION AUTHORIZING AN AMENDMENT TO THE BOND RESOLUTION DATED SEPTEMBER 4, 2018, AUTHORIZING THE WATER FACILITIES IMPROVEMENT PROJECT FOR PORT EWEN WATER DISTRICT IN THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,729,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

WHEREAS, the Town has previously adopted its Bond Resolution dated September 4, 2018 entitled "BOND RESOLUTION DATED SEPTEMBER 4, 2018; A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,729,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A WATER FACILITIES IMPROVEMENT PROJECT FOR PORT EWEN WATER DISTRICT IN THE TOWN OF ESOPUS, NEW YORK, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR" (the "September 4, 2018 Bond Resolution") authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$3,729,000, for the Water Facilities Improvement Project; and

WHEREAS, the Town has conducted a supplemental review under SEQR after acquiring an additional parcel of land adjacent to the existing tank to be used in connection with the Project, and has adopted a negative declaration dated October 1, 2019;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Esopus, Ulster County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. Section 2 of the September 4, 2018 Bond resolution is hereby amended to read as follows:

SECTION 2. It is hereby determined that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 2. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 3. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Daily Freeman, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 4. This resolution shall take effect immediately.

Resolution offered by: **Supervisor Shannon Harris**
Seconded by: **Councilperson Chris Farrell**

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|---------------------------------------|------------|
| Supervisor Shannon Harris | AYE |
| Councilperson Gloria Van Vliet | AYE |
| Councilperson Jared Geuss | AYE |
| Councilperson Kathie Quick | AYE |
| Councilperson Chris Farrell | AYE |

The foregoing resolution was thereupon declared duly adopted.

Rodenhausen, Chale and Polidoro, LLP

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO AUTHORIZE SUPERVISOR HARRIS TO SIGN THE CONTRACT WITH RODENHAUSEN, CHALE AND POLIDORO, LLP AS INDEPENDENT BOND COUNSEL ADVISING ON WATER INFRASTRUCTURE IMPROVEMENT PROJECT. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

KAYAK SHED - WINTER STORAGE

A unanimous decision was made by the Board to offer winter Kayak storage from November 1, 2019 to April 30, 2020. The six month rental will cost \$60 and be offered on a first come first serve basis. Next year there will be further discussion relating to fees and terms for the summer season. It is anticipated it will be offered as a lottery system to accommodate residents who are interested between the months of May and October. New pricing and rental periods will be discussed. Options may be to have two 3 month periods for example May- July, August - October or possibly renting for a full 6 month period.

HALLOWEEN CURFEW

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO SET A 7PM CURFEW THROUGHOUT THE TOWN OF ESOPUS ON HALLOWEEN OCTOBER 31, 2019. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

JOB VACANCY – WATER TREATMENT PLANT OPERATOR/TRAINEE CIVIL SERVICE POSITION

Peter Koelli is retiring causing an opening in the Water/Sewer department. Ulster County Civil Service is assisting in the process by calling candidates from the civil service list. Supervisor Harris said she will follow up with them on a weekly basis. A job description has been made

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and will be posted on the web. Interested parties are encouraged to submit an application. Supervisor Harris is also drafting a job description for the position of Building Inspector with anticipation of Sal Morello's retirement. A test may need to be given if there are no candidates on the list.

VOLUNTEER BOARD VACANCIES

We have openings on the following boards: Environmental Board with term expiring 12/19, Water/Sewer Board with term expiring 12/21 and Zoning Advisory Board with term expiring 12/22.

VETERANS DAY

Participants will meet at 10:45 AM at the Memorial on Town Hall property for the Veterans Day program starting at 11 AM. There will be a Raffle drawing to benefit American Legion Post 1298 and refreshments served courtesy of St. Remy Reformed Church in the Town Hall Community room.

2020 TOWN BOARD AND COMMITTEE CALENDAR

A draft copy of the 2020 meetings was shared with the Board for review. In addition we will add the Organization Meeting to the calendar, January 1, 2020.

UPDATE CULVERT STAKEHOLDER MEETING

A meeting was held on Oct 4th with the Town Highway Superintendent, Stormwater MS4 officer, DEC, UC Dept of Environment, and UC DPW to prioritize final six culverts (3 Town and 3 County). The town culverts selected were Dashville Road, Hardenburgh Road and Rose Lane. The Dashville Road and Hardenburgh Road culverts were selected to advance to "shovel ready" design. In November a Public Meeting will be planned to share the Municipal Management Plan, Concept Designs and Shovel Ready Designs with the residents of Esopus and Ulster County.

UPDATE NYS DEPARTMENT OF TRANSPORTATION

An e-mail was sent by Supervisor Harris on behalf of Association of Supervisors and Mayors identifying problems and legal challenges to "new policy" issued by Region 8 NYSDOT leadership. Response from Region 8 NYSDOT was to retract new policy. They may look at the reduced speed request but do not anticipate a speedy response.

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 OCTOBER 2019

AO. 0599.000 Fund Balance to

| | |
|-------------|-------------|
| AO.1010.402 | \$ 9,293.00 |
| Laberge | |
| AO.1420.400 | \$ 9,313.26 |
| Legal Fees | |

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

OFFERED BY: Councilperson Kathie Quick

SECONDED BY: Councilperson Chris Farrell

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|--------------------------------|------------|
| Councilperson Gloria Van Vliet | AYE |
| Councilperson Jared Geuss | AYE |
| Councilperson Kathie Quick | AYE |
| Councilperson Chris Farrell | AYE |
| Supervisor Shannon Harris | AYE |

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

RESOLUTION AUTHORIZING PAYMENT OF BILLS OCTOBER 2019

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:

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|-----------------------------|------------------------|----------------------|
| GENERAL FUND | 191547 -191621 | \$ 61,662.42 |
| | | |
| HIGHWAY FUND | 192244 - 192273 | \$ 38,778.14 |
| | | |
| STREET LIGHTS | 196088 | \$ 4,129.48 |
| | | |
| PORT EWEN SEWER FUND | 193114 -193122 | \$ 2,948.63 |
| | | |
| PORT EWEN WATER FUND | 194216 - 194237 | \$ 13,497.83 |
| Capital (30) | | |
| TOTAL | | \$ 121,016.50 |

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Jared Geuss
SECONDED BY: Councilperson Kathie Quick

Councilperson Gloria Van Vliet **AYE**
 Councilperson Jared Geuss **AYE**
 Councilperson Kathie Quick **AYE**
 Councilperson Chris Farrell **AYE**
 Supervisor Shannon Harris **AYE**

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

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL AT 8:30 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE EMPLOYMENT HISTORY OF PARTICULAR INDIVIDUALS EMPLOYED IN THE COURT AND WATER SEWER DEPARTMENTS. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SUPERVISOR HARRIS TO COME OUT OF EXECUTIVE SESSION AT 9 PM. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ACTION:

Supervisor Harris will work with the Justices to implement the following requests made by the Board:

- Board requests the Court Office to be covered during the hours of 9am – 4pm, stagger clerk's hours.
- Board requests Judge curb the hours to a max of 32, except special circumstances.
- Board requests the elimination of the additional clerk. Each Judge will have 1 clerk.

These requests will take effect on January 1, 2020.

ADJOURNMENT

A MOTION WAS MADE BY SUPERVISOR SHANNON HARRIS TO ADJOURN THE MEETING AT 9:02 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively submitted,

Holly A. Netter
Town Clerk, RMC