

**Town Board Meeting
December 17, 2019**

A regularly scheduled Town Board meeting was held on Tuesday, December 17, 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**

Recording Administrator Erin McNierney, Deputy Town Clerk

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.

PLEDGE

PUBLIC COMMENT –

Tina Turner – Sunset Drive, Port Ewen resident said she feels like she is being singled out by the Town when there are many of the same issues throughout the Town. The problem began when Sal Morello, Building Inspector responded to a neighbors' complaint regarding Ms. Turner's trailer parked on Sunset Drive repeatedly in the same spot daily. Tina does not know what exactly is going on since the trailer has been moved during the day for the last three years and the land is not owned by the neighbor it is owned by the Town.

Supervisor Harris recommended Ms. Turner make an appointment with the Building Inspector, Sal Morello, for a more thorough explanation of the violation and where to safely park her trailer. There is a resolution that will be discussed tonight that will discuss giving a Town designated individual (Building Inspector, Fire Inspector, Highway Supervisor) the authority to enforce violations instead of the Sheriff Dept. in these situations.

Laura Petit – Port Ewen resident, explained that driveways throughout Port Ewen are generally very small leaving very little space to park when residents have company over. She is concerned that this issue on Sunset Drive will cause problems for others living on the street when residents utilize the street for parking when they have people over.

UPDATES

RISK ASSESSMENT RESULTS – The Office of State Comptroller recently performed an assessment of internal controls, IT operations, contracts, records and procedures for key Town departments. On December 6th, it was determined that the Town was not in need of further services.

PUBLIC SAFETY ANNOUNCEMENT – There has been a recent rash of vehicle break ins in the Town of Esopus. The Sheriff Dept. has issued a Public Advisory as well as being on Esopus.com recommending all residents to lock vehicle doors at all times.

VOLUNTEER VACANCY – ZBA member term expiring 12/22 (three candidates currently interviewing at next ZBA mtg., Elizabeth Ten Dyke, Mercedes Ross and Mike Mulligan. There is one vacancy.

FULL TIME JOB VACANCY – Building Inspector/Code Enforcer II. This is a full-time, benefited Civil Service position. Interviews will take place this evening for the job posting on 12/3.

BEAUTIFICATION AND BRANDING INITIATIVE – Preview of the new Town of Esopus seal. The Bruderhof has agreed to re-design the entrance to Esopus sign and all Hamlet signs and the Economic Committee will re-designed Town Seal and the address will be changed as well.

CITIZEN’S PREPAREDNESS TRAINING – 110 people attended between two sessions. Approx. 15 volunteers came forward about creating an Esopus Community Emergency Response Team (“CERT”) per the Governor’s NYS OEM program. First meeting will be in early 2020. CERT will look into obtaining grants and additional training in 2020.

WATER INFRASTRUCTURE GRANT- Supervisor Harris announced that the Town of Esopus has been awarded a 2.491 million grant for highly important category I improvements to the drinking water infrastructure. We are still waiting for more details such as the terms of the grant to determine how long the Town will have to make the improvements so the residents can afford the project. Councilperson Van Vliet asked if this grant will cover the entire cost of the project? Supervisor Harris said it will cover 60% of the project with the remaining 40% to be paid for by the tax payers. The Town will use in kind services to do as much of the work as possible which will assist in lowering some expenses.

SEQRA NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE for Local Law # 6 of 2019 AMENDING THE ZONING MAP & ADOPTION

A Public Hearing was held on December 3, 2019 on the proposed rezoning local law amending the zoning map under Chapter 123-7 of the Town Code to change the zoning district designations of the following tax parcels to GC: 63.2-2-1, 56.19-3-13, 63.2-2-2.300, 63.2-2-8, 56.20-1-4 and 56.20-1-6. The Town Board held off on adopting the proposed local law while the SEQRA process was still under review by the town engineer and waiting to get the results of the

environmental impacts of the law. The Town engineer did find a negative declaration which Supervisor Harris read during the meeting.

**TOWN OF ESOPUS TOWN BOARD
SEQRA NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR
A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING THE ZONING MAP
OF THE TOWN OF ESOPUS TO CHANGE THE ZONING DISTRICT DESIGNATION OF TWO PARCELS FROM
HI TO GC AND FOUR PARCELS FROM LI TO GC.**

WHEREAS, the Town of Esopus Town Board proposes to adopt Local Law No. 6 of 2019, a Local Law of the Town of Esopus, Ulster County, New York; amending the Zoning Map of the Town of Esopus in the manner described above; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 284 Broadway, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as a Type I action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Esopus Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the amendments to the Zoning Map, consequently, are consistent with the Town of Esopus Comprehensive Plan;

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;

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4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the Action;
10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences;
11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Resolution offered by: Supervisor Shannon Harris

Seconded by: Councilperson Chris Farrell

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

Supervisor Harris	Aye
Councilperson Van Vliet	Aye
Councilperson Geuss	Aye
Councilperson Quick	Aye
Councilperson Farrell	Aye

Resolution duly adopted.

RESOLUTION OF ADOPTION

WHEREAS, a local law was introduced to be known as **Local Law No. 6 of 2019**, entitled, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING THE ZONING MAP OF THE TOWN OF ESOPUS TO CHANGE THE ZONING DISTRICT DESIGNATION OF:

- 161 ULSTER AVENUE (TAX PARCEL NUMBER 63.2-2-1) FROM THE HI DISTRICT TO THE GC DISTRICT
- MTN (TAX PARCEL NUMBER 56.19-3-13) FROM THE HI DISTRICT TO THE GC DISTRICT
- ULSTER AVENUE (TAX PARCEL NUMBER 63.2-2-2.300) FROM THE LI DISTRICT TO THE GC DISTRICT
- 163-171 ULSTER AVENUE (TAX PARCEL NUMBER 63.2-2-8) FROM THE LI DISTRICT TO THE GC DISTRICT
- 352 MOUNTAIN VIEW AVENUE (TAX PARCEL NUMBER 56.20-1-4) FROM THE LI DISTRICT TO THE GC DISTRICT
- NO ADDRESS (TAX PARCEL NUMBER 56.20-1-6) FROM THE LI DISTRICT TO THE GC DISTRICT

WHEREAS, a public hearing in relation to said local law was held on December 3, 2019 at 7:00 p.m., prevailing time; and

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WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, no members of the public spoke at the public hearing; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. The Zoning Map established under Section 123-7 of Chapter 123 of the Esopus Town Code is amended to change the zoning district designation of the following:

- A. 161 Ulster Avenue (TAX PARCEL NUMBER 63.2-2-1) from the HI District to the GC District.
- B. Mtn, (TAX PARCEL NUMBER 56.19-3-13) from the HI District to the GC District.
- C. Ulster Avenue (TAX PARCEL NUMBER 63.2-2-2.300) from the LI District to the GC District.
- D. 163-171 Ulster Avenue (TAX PARCEL NUMBER 63.2-2-8) from the LI District to the GC District.
- E. 352 Mountain View Avenue (TAX PARCEL NUMBER 56.20-1-4) from the LI District to the GC District.
- F. No address (TAX PARCEL NUMBER 56.20-1-6) from the LI District to the GC District.

Section 2. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 3. This local law shall take effect ten (10) days following publication and posting in accordance with Town Code Section 123-50(D) and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Resolution offered by Supervisor Harris

Seconded by Councilperson Chris Farrell

The foregoing resolution was voted upon as follows:

Supervisor Harris	AYE
Councilperson Van Vliet	AYE
Councilperson Geuss	AYE
Councilperson Quick	AYE
Councilperson Farrell	AYE

Resolution duly adopted.

LOCAL LAW - "RENTAL PROPERTIES "

A Public Hearing was held December 3, 2019 on the local law, entitled A Local Law of the Town of Esopus, Ulster County, New York to create Chapter 101, "Rental Properties Registration and Inspection", of the Esopus Town Code and was tabled later that evening. The law remains tabled on the advice of attorney Kyle Barnett for further discussion at a future meeting. The Town is waiting for comments from the attorney for Lakeshore Villas before moving forward with this local law.

Pre-grant Application

There is a DEC's Tributary Restoration and Resilience Grant to advance the Towns culvert survey, shovel ready designs to obtaining funded culvert projects available. There is no fee or cost to prepare permitting application, or obligation to the Town to apply for grant which is due in February 2020. There is a window to prepare the permit; then if the Town chooses, they can apply for the grant. The engineers will provide information regarding the grant at the next Town Board meeting. Once the Town Board applies for the grant and is successful in obtaining it, they will vote on which culverts to target first.

A MOTION WAS MADE BY SUPERVISOR HARRIS TO AUTHORIZE THE SUPERVISOR TO SIGN THE PRE-GRANT APPLICATION TO BEGIN THE GRANT PROCESS. THE MOTION WAS SECONDED BY COUNCILPERSON GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Ticketing of violations for vehicles/obstructions in the Town's right of way.

A resolution Authorizing the Building Inspector/Code Enforcer/Fire Inspector to remove vehicles and trailers pursuant to Chapter 115 of the Town Code. Supervisor Chris Farrell questioned why this issue was targeting one specific resident on Sunset Drive rather than a general problem in Town. Supervisor Harris conferenced in attorney Kyle Barnett for clarification of this resolution. After a lengthy discussion, it was determined that this resolution would need to be tabled until further discussion. The issue may entail a change in local law to change Town Code which is a more involved process than just passing a resolution. The Town Board will discuss further.

CHA Consulting

Planning Board Chairperson, Roxanne Pecora, recommended the Town Board renew the annual contract with CHA Consulting (formerly Clough Harbour, international engineering consulting firm headquartered in Albany, NY) as designated Town Engineer for 2020.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARREL TO AUTHORIZE SUPERVISOR HARRIS TO SIGN THE ANNUAL CONTRACT FOR CHA CONSULTING FOR 2020. THE MOTION WAS SECONDED BY COUNCILPERSON QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

2020 GOALS

Supervisor Harris recommended that the Town Board make the issues of the Employee handbook and the Capital Investment Policy a major focus in the coming year. Supervisor Harris suggests we take the recommendations from the Comptrollers' Office to update all our policies; employee handbook, employee policies, breach policy, IT policies, ect.

Councilperson Quick said she would like the Town Board to formalize something to recognize all the Town volunteers (Board members and committee members) for the work that they do.

Shannon said she would work something up regarding action items for the new year.

Legislative Updates

Laura Petite, Ulster County Legislature, discussed high level topics that will be focused on in 2020.

1. Redefining affordable housing – not strictly subsidized housing
2. Requiring out of state landlords have in-county representation
3. Adjusting/minimizing energy usage
4. Enforce illegal dumping (already in process)
5. Legislature has passed a policy at the County level on disposal and reduce of garbage
6. Economic Development other than tourism
7. Address and Improve public transportation

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 DECEMBER 2019

AO. 0599.000 Fund Balance to

AO.1420.400 \$ 15,657.72
Lawyer Contractual

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

OFFERED BY: **Councilperson Chris Farrell**
SECONDED BY: **Councilperson Jared Geuss**

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 DECEMBER 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:

GENERAL FUND	191672-191733	\$ 90,214.76
HIGHWAY FUND	192298-192321	\$ 94,464.20
STREET LIGHTS	196090	\$ 5,681.81
PORT EWEN SEWER FUND	193133-193143	\$ 17,787.93
PORT EWEN WATER FUND	1942556-194280	\$ 82,129.73
Capital (30)		
TOTAL		\$ 290,278.43

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Chris Farrell
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 8:55 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING CANDIDATES FOR THE POSITION OF BUILDING INSPECTOR/CODE ENFORCER II AS WELL AS VOLUNTEER BOARD VACANCIES. THE MOTION WAS SECONDED BY COUNCILPERSON KATHY QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON KATHY QUICK TO COME OUT OF EXECUTIVE SESSION AT 10:15 PM. THE MOTION WAS SECONDED BY SUPERVISOR HARRIS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ACTIONS: BOARD APPOINTMENTS

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO APPOINT MIKE MULLIGAN TO THE WATER/SEWER BOARD WITH A TERM TO EXPIRE ON 12/31/21. THE MOTION WAS SECONDED BY COUNCILPERSON KATHY QUICK. ALL MEMBERS PRESENT IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO APPOINT CHRIS DECICCO TO THE ENVIRONMENTAL BOARD WITH A TERM TO EXPIRE 12/31/19. THE MOTION WAS SECONDED BY GLORIA VAN VLIET. ALL MEMBERS PRESENT IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON KATHY QUICK TO APPOINT DAVID MASTNY TO THE PLANNING BOARD WITH A TERM EFFECTIVE 1/1/20 TO EXPIRE 12/31/26. THE MOTION WAS SECONDED BY JARED GEUSS. ALL MEMBERS PRESENT IN FAVOR. MOTION CARRIED.

ACTION: JOB VACANCY BUILDING INSPECTOR/CODE ENFORCER II

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO HIRE MARK JAFFE AS THE BUILDING INSPECTOR/CODE ENFORCER II WITH A PROPOSED ANNUAL SALARY OF \$55,000 WITH BENEFITS PURSUANT TO A BACKGROUND CHECK AND A 90 DAY PROBATIONARY PERIOD. THE MOTION WAS SECONDED BY GLORIA VAN VLIET. ALL MEMBERS PRESENT IN FAVOR. MOTION CARRIED.

UPCOMING EVENTS

12/20 Friday: 11 am Town Hall Employee Christmas Luncheon & Secret Santa (All Town Board members and elected officials welcome to join).

12/24-25 Town Hall closed at Noon on 12/24 and all-day on 12/25 for Christmas.

12/31-12/1/20 – Town Hall closed at Noon on 12/31 and on 1/1 Town Hall closed all day for New Year's, EXCEPT for Town Board Organizational Mtg., which begins 12 PM Noon.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILPERSON SUPERVISOR SHANNON HARRIS TO ADJOURN THE MEETING AT 10:20 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively submitted,

Erin McNierney
Deputy Town Clerk