

**TOWN OF ESOPUS  
TOWN BOARD MEETING  
December 21, 2023  
7:00 PM**

A regularly scheduled Town Board Meeting was held on December 21, 2023, in person at 1 Town Hall Way, Ulster Park. The meeting was held in person. The following persons in attendance:

**Councilman Laura Robinson  
Councilman Evelyn Clarke  
Councilman Kathie Quick  
Councilman Jared Guess - Absent  
Supervisor Danielle Freer**

**Administrative Recorder: Holly A. Netter, Town Clerk, RMC**

**4 WAYS TO GIVE PUBLIC COMMENT:**

- 1.) **In-Person – Attend the Meeting**
- 2.) **Phone in: Leave voicemail on 845 331 0676 prior to the meeting**
- 3.) **EMAIL – [lreynolds@esopus.com](mailto:lreynolds@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 7PM.**

**PLEDGE TO THE FLAG**

**PUBLIC COMMENT:**

**Mercedes Karabec 259 Union Center Road** was concerned with the project that is proposed on Hudson Lane. Her son and daughter in-law reside at the property next to the proposed project. She said that Hudson Lane is not compliant with the NYS Fire code and adding additional dwellings that will access the same non-compliant road poses a dangerous situation. She

doesn't understand how the proposed project can be permitted. She understood that the reason the Town has various Boards to deal with planning, zoning, etc., is to protect its residents and she does not see that happening.

Mrs. Karabec also expressed her concern about the recent storm, which flooded her basement. She believes the County (Union Center) and town (Popletown Road) have not been maintaining the stormwater drains – they are constantly filled with leaves. She believes there is also a larger issue with water coming off of Popletown Road and has asked for all of this to be looked into.

**Steven Cerini 257 Mountainview Ave.** Thanked everyone on the Town Board and all Town staff for their efforts all year long. He spread some holiday cheer by sharing some homemade items with everyone who was at the meeting.

**MOTION WAS MADE TO CLOSE THE PUBLIC COMMENT BY SUPERVISOR DANIELLE FREER AND WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

Supervisor Freer replied to Mrs. Karabec, "We hear you. I assure you that all the Boards are here to do the right thing. We as the Town Board are close to all the matters that are on the Planning Board's table, and we are keeping a close eye on it." She assured Mrs. Karabec the Town will make sure it goes through the process as it should.

Councilman Kathie Quick said she believed the fire companies must look at these things. The Karabecs responded that the fire department passed it on to the Zoning Officer.

**DISCUSSION: PROPOSED 2024 PLANNING BOARD FEES**

The Planning Board prepared an amended fee schedule for the Town Board to discuss. Supervisor Freer asked the Board members to please review the proposed fees and provide feedback. A comparison for proposed and present fees as well as the backup material from the 12 towns polled was requested. The goal is to have an amended fee schedule ready for a vote or further discussion at the Organizational Meeting on January 4, 2024. See the proposed fees below:

<b>Recommended for Town of Esopus</b>	
<b>Item</b>	<b>FEES</b>
<b>Site Visits</b>	\$200
<b>Sign Fees</b>	
Sign Fees (2 faced signed count twice) (includes wall mounted, monument, etc.)	\$500, plus \$2 per square foot of sign face+ESCROW (max \$500)
<b>Architectural Changes</b>	
Commercial Bldg. Exterior, PUD, Condo, Apartment Bldg. Color Change	150+ESCROW
<b>Site plans</b>	
Residential - involving 1-3 lots	\$500 plus \$200 per unit
Residential - involving 4+ lots	\$1250 plus \$200 per unit+ESCROW
Educational, Classroom Space, Dormitories, Rehab Centers	\$1000 plus ESCROW+\$0.50 per sq ft.
Commercial, Industrial	\$1000 plus ESCROW+\$0.50 per sq ft.
Site Plan Amendments (per occurrence)	\$500 plus ESCROW
Special Use Permit	\$1000 + site plan fees
Power Generation & Transmission (Commercial Solar and Battery Storage Facilities, Windmills (>50'), Commercial sized Generator)	\$1,500 per MW of Capacity + Commercial Bldg. fees, Transmission lines \$2,000 per line plus \$1.00 per watt of capacity, Transmission gas lines \$10 per PSI High pressure, \$20 per PSI Low Pressure (All + ESCROW), Generator
Towers & Cell Phone Apparatus and Towers, etc. (>50')	\$1000/per + \$0.50 per ft in height + ESCROW
Cell phone reader (any Height)	\$500/per + ESCROW
Co-Location per reader	\$250/per + ESCROW
PUD	\$5000 + ESCROW
PUD over 50,000 sq. ft.	\$10,000+ ESCROW
Used Car Lots	\$2000 + ESCROW
Site Plan with Stormwater (E&SC only)	\$800
Site Plan with Full SWPPP	\$2500 + ESCROW
Site Plan > 5 acres of Disturbance	\$7500 + ESCROW
Bulk Storage Tanks	\$5000/tank + ESCROW + All other applicable Fees
<b>Presubmission Fee (per occurrence)</b>	\$250
Towers & Cell Phone Apparatus and Towers, etc. (>50')	\$1250/per + \$0.50 per ft in height + ESCROW+PH fees
Cell phone reader (any Height)	\$500/per + ESCROW+PH fees
Co-Location per reader	\$500/per + ESCROW+PH fees
<b>SEQR</b>	
SEAF (to complete)	ESCROW
LEAF	ESCROW
EIS	ESCROW
<b>Planning Board Rezoning Fees</b>	
Rezoning Fee	\$2,500 + \$350/Town bd mtg. + ESCROW
<b>Subdivisions</b>	
Lot Line Adjustment	\$500/per line
Minor Subdivision	\$750, + 250 per line, + Site plan fee (as applicable)
Major Subdivision	\$1500, + 250 per line, + Site plan fee
<b>Recreational Fees</b>	
Residential (including apartments, single family, PUD, Condo)	\$2000/lot or dwelling unit, \$2,500/lot for >10 units
Commercial, Industrial, Others not listed	\$2500+ \$0.50/sq.ft. of building (maximum of \$5,000)
<b>Workshop Meeting (not presubmission)</b>	\$300
<b>Public Hearings, Renewals and Extensions of Time</b>	
Public Hearing	\$300
SUP Extension of Time (per occurrence)	\$200
Subdivision Extension of Time (per occurrence)	\$200
SUP Renewal (renewal)	\$200
<b>WAB Referral Fees</b>	
Waterfront Advisory Board Review	\$250
<b>Mining (&gt;100 cu.yds.)</b>	\$1000+PH fees+SEQR Fees+ESCROW
<b>Others not included in table above (or as determined by the board)</b>	\$500+PH fees (if applicable) + ESCROW (if applicable)

\* The Planning Board reserves the right to establish Escrow accounts with the Planning Board Planner, Engineer, and Attorney. Additional other consultants may be brought in including but not limited to, Architectural, Visual, Wetlands, threatened and Endangered Species, Etc.

**DISCUSSION: CHPE LLC PROFESSIONAL SERVICES FEE REIMBURSEMENT AGREEMENT**

Supervisor Danielle Freer and Shannon Harris, Esopus representative of the Hudson 7, met with the Public Service Commission (PSC) earlier in the year to bring concerns of the pipeline project to the forefront and stress the importance of how the Hudson is the sole water source of drinking water for 7 communities along the Hudson River.

The Town of Esopus retained a special technical consultant, Tighe and Bond, to prepare a report reviewing the Voluntary Water Studies and TSS Trials (collectively the “CHPE Studies”), and to make recommendations regarding CHPE’s Hudson River cable-installation Environmental Management and Construction Plan (“EM&CP”), and consistent with Certificate Conditions 102-105 and 150 of the CHPE Article VII Certificate, which requires that CHPE consult with nearby public water intake owners along the submarine portions of the route regarding potential impacts during construction.

Tighe and Bond has billed the Town of Esopus directly on a time and material basis for services performed in reviewing the CHPE Studies and making EM&CP recommendations. As a result of the meeting CHPE agreed to reimburse the Town of Esopus \$32,913 for professional services rendered by Tighe and Bond. CHPE will remit payment within thirty (30) days of receipt of the itemized invoice.

Councilman Quick said she did not read though the document and asked to have more time to review. The matter will be addressed further at the Organizational Meeting.

**UC ARPA & SLFRF SEWER & WATER INFRASTRUCTURE SUBAWARD AGREEMENT**

As previously discussed, the Town was awarded \$38,000 from the Ulster County State and Local Fiscal Recovery Fund (SLFRF) which was set up from ARPA money. These funds will be used for the purpose of replacing portions of a main control panel for the Water Treatment Plant (WTP) Total cost of the project was \$115,000. The \$77,000 balance will be taken from the Water System Reserve Fund. The Board members were asked to review the agreement as well as Paul Kellar’s comments so they can continue the conversation at the next meeting.

The question is whether it is worth signing the 36 pages of contract for \$38,000. Attorney Paul Kellar was asked to review the contract and wants the Board to know what they are signing, there are some pretty binding clauses and he has made suggestions to have some of the more serious clauses removed. He asked if the County could/would make amendments. Supervisor Freer said, after lengthy correspondence back and forth with the County, they will not make any amendments or take out any language to the contract. Many of the other projects receiving the awards are for substantial amounts hence the language makes sense. There were 13 agreements awarded and Supervisor Freer was advised that 10 have already been signed. Supervisor Freer stressed there would be a lot of reporting and significant requirements that

need to be met and managed. Supervisor Freer said to make sure the Town Board understands what we are signing on to. She suggests Superintendent Nick Butler and Tighe and Bond work together to make sure the reporting with the County is maintained, as they are already familiar with the project and currently handling the improvements at the water plant. There is an example of a Resolution if and when they decide to move on this. Supervisor Freer will reach out to Nick Butler and Dan Valentine from Tighe & Bond.

Update: APRA fund grant for Cas Landi will be reviewed by the Legislature mid-January with approval probable in February. We need to be ready for a contract of a similar nature and it will need to be similarly managed.

**TAX CERTIORARI MATTERS – VAN DEWATER & VAN DEWATER**

Van DeWater & Van DeWater has been working on tax certioraris brought by Lake Shore Villas Propco, LLC, Iron Mountain, Inc; Iron Mountain Management LLC. over the past few years and will continue to represent the Town of Esopus in certioraris for the tax years 2022 -2024.

**COUNCILMAN QUICK MADE A MOTION FOR THE SUPERVISOR TO SIGN THE AGREEMENT WITH VAN DEWATER AND VAN DEWATER TO HANDLE TAX CERTIORARI MATERS IN 2024. THE MOTION WAS SECONDED BY COUNCILMAN ROBINSON. ALL MEMBERS WERE IN FAVOR: MOTION CARRIED.**

**MISCELLANEOUS / LIAISON LIGHTNING ROUND:**

**SUPERVISOR FREER**

*Text my Gov:* Supervisor Freer has been working on this and the widget is up on the web as per the contract. Flyers and a campaign will be coming after the first of the year.

*Custodian position* is on Indeed and interviews will continue in January. In the meantime, Rocky is covering.

*Storm recap* - Monday there was a bad rainstorm in the area. Supervisor Freer spent the whole day out at problem sites. We do not have any significant damage to report to the County. One flooding occurrence in Rifton was the same situation as in 2011 which was because of a resident who has a bridge to the house that is not built correctly; culvert is not the right size. There has been legal correspondence over the years. Supervisor Freer is working with Town Attorney, Paul Kellar, to send another letter outlining the severity of the situation. The continuing threat to public safety and infrastructure damage should be fixed solely at the

resident's expense, and a consultation with a civil engineer is requested to assure proper remediation. Any other issues are civil in nature and should be resolved between affected residents. The property owner says he understands the severity and will fix it. Supervisor Freer wanted to make everyone aware of this situation given its history.

There is a core team working together on a Hometown Hero Flags which will be on our main corridor in town. The team consists of Supervisor Freer, George Post, Stephanie Lettieri, Mike Dauner and Holly Netter. The team is doing background to run the program. The cost is typically on the resident who wants to participate. The presentation is being put together and more information will be coming soon. It may be a phased approach, deciding how many and the criteria. DOT is okay with the program, more information to come. An aggressive goal has been set to have a version up by Memorial Day; start small and expand. May start with the black ornamental poles and expand to Central Hudson poles which is also allowable depending on how many people are interested.

**COUNCILMAN QUICK**

**ZONING BOARD** has information for the project on Hudson Lane to review. Liaison Quick said it is probable that it will be informational again on the 16th. The Environmental Board is having an opportunity to look at the plans to provide suggestions on environmental topics.

**WATERFRONT BOARD** – No meeting, waiting to hear on the LWRP to see what the State has approved or commented on.

**COUNCILMAN ROBINSON:**

**PARKS & REC** Winter Wonderland Parade went very well. Accolades were given to the team for a job well done.

**BUDGET ADJUSTMENTS DECEMBER 2023**

**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              AO.1110.400 \$7,465.02**  
**Justice Contractual Grant Money**

AO.1355.401 \$1,800.00  
Dan Baker

AO.1420.400 \$4,655.59  
Attorneys

AO.71110.100 \$4,542.75  
Parks & Rec Labor

AO.8020.100 \$329.93  
Planning Labor

SW.0599.000 Fund Balance

SW8310.100 \$11,881.20  
Water labor

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	ABSENT
SUPERVISOR DANIELLE FREER	AYE

Resolution duly adopted.

**RESOLUTION AUTHORIZING PAYMENT OF BILLS DECEMBER 2023**

**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>231530 - 231582</b>	<b>\$87,706.79</b>
<b>HIGHWAY FUND</b>	<b>232271 - 232298</b>	<b>\$43,672.87</b>
<b>STREETLIGHTS</b>		
<b>PORT EWEN SEWER FUND</b>	<b>233166 - 233176</b>	<b>\$30,284.58</b>

<b>PORT EWEN WATER</b>	<b>234221 - 234248</b>	<b>\$31,994.95</b>
<b>Capital Water</b>		
<b>ARPA</b>	<b>237012 - 237013</b>	<b>\$35,787.29</b>
<b>Visa</b>		
		<b>\$229,446.48</b>

**OFFERED BY: SUPERVISOR DANIELLE FREER  
SECONDED BY: COUNCILMAN EVELYN CLARKE**

<b>COUNCILMAN LAURA ROBINSON</b>	<b>AYE</b>
<b>COUNCILMAN EVELYN CLARKE</b>	<b>AYE</b>
<b>COUNCILMAN KATHIE QUICK</b>	<b>AYE</b>
<b>COUNCILMAN JARED GEUSS</b>	<b>ABSENT</b>
<b>SUPERVISOR DANIELLE FREER</b>	<b>AYE</b>

**Resolution duly adopted.**

**MISCELLANEOUS**

**UPCOMING KEY DATES – MORE INFORMATION AVAILABLE ON OUR WEBSITE:**

**12.25 TOWN HALL CLOSED: CHRISTMAS DAY**

**1.4 TOWN BOARD ORGANIZATIONAL MEETING**

**1.1 TOWN HALL CLOSED: NEW YEAR’S DAY**

**1.18 NEXT TOWN BOARD MEETING**

**EXECUTIVE SESSION**

**A MOTION WAS MADE BY SUPERVISOR FREER AT 7:38 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION. THE MOTION WAS SECONDED BY COUNCILMAN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR: MOTION CARRIED.**

**A MOTION WAS MADE BY SUPERVISOR FREER TO COME OUT OF EXECUTIVE SESSION AT 8:20 PM. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR: MOTION CARRIED.**

**ACTION: NONE**



TB 12/21/2023

**ADJOURNMENT**

**A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR FREER AT 8:20 PM. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

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