

**TOWN BOARD WORKSHOP MEETING**

**JANUARY 6, 2014**

A regularly scheduled Town Board Workshop Meeting was held on Monday January 6, 2014 in the Town Hall 284 Broadway Port Ewen, New York at 7:30 PM with the following persons in attendance:

**Supervisor John Coutant**  
**Councilperson Gloria VanVliet**  
**Councilperson Wayne Freer**  
**Councilperson Kyle Barnett**  
**Councilperson Diane L. McCord**

**Recording Administrator Holly A. Netter, Town Clerk**

Supervisor John Coutant called the meeting to order at 7:40 PM.

**Public Comment:** None

**1. Randolph Horner – Solar Update**

Randolph Horner addressed the board regarding the status of the solar energy project. Randolph has been dealing with DEC Headquarters regarding the statewide issues and policies that will facilitate our project and he will attend a meeting in Albany on January 7, 2013 concerning this topic. Randolph stated that he is capable of writing and getting the approval of the Esopus project because we now know where all the questions and problem areas are.

Randolph stated that we are not waiting for a statewide policy to be perfected and enacted. He intends on giving the Esopus project as an example of one that was planned 3 years ago. We have a perfect, problem free landfill and we have a series of reports from C.T. Male which supports this.

The Town of Esopus landfill project was the first project that was approved for interconnection in the whole history of State of New York. We hope to have everything we need to go forward and install the project by May. We want a prompt approval out of Region 3 DEC in New Paltz because we have already had to tell the electric utility we had to change vendors.

Onforce Solar put in a bid on behalf of the Town of Esopus project on the August 31 deadline. They did not get that subsidy. They have partnered with SunEdison which is the most distinguished and highly thought of company. SunEdison put in a bid last week for the deadline date of 12/30/13. The request was made for the Supervisor to sign a new non-binding letter of intent, to show there is a serious project here in the Town of Esopus. The letter does not bind the parties and still gives

the Town of Esopus full discretion. Supervisor Coutant confirmed that he signed this letter. This was a renewed bid for the subsidy and Randolph believes we made a stronger case for the vendor to get the subsidy. This will make the cost of the project affordable to the Town of Esopus in terms of the electricity price.

SunEdison is a nationwide company and very strong in New York. SunEdison just won the bid in New York City to install a 10 Mega Watt project on a portion of the Fresh Kills landfill on Staten Island.

We are still the First Mega Watt scale project to be approved for interconnection with an electric utility. According to the long agreed upon policy of this board and its predecessor board, this community is the first to have a serious intention of making enough solar energy to run the municipality from year to year. This will make our power contract affordable

A new issue was brought to the Town Boards attention. The Federal Energy Regulatory Commission wants to raise electric rates by 10 % for homeowners and small accounts, 15% for commercial and industrial which include municipalities. Why would they want to do this? They are doing this because we have transmission congestion, moving power from the north through the Hudson Valley toward New York City. It also has to do with our own energy supply. Across the river in Dutchess County people are outraged because where there are power lines running north to south through Columbia and Dutchess County and they believe that the Commission wants to increase the number of towers by taking people's homes, land, farms. Governor Cuomo has come up with an Energy Highway concept to deal with resolving the congestion. They are going to close Indian Point sooner or later. The owners are going to close it because the power is not going to New York City; it is feeding the New England Independent Operator. Energy has been sent from Indian Point out of state. Indian Point provides at most 4% of NYC power. Central Hudson and National Grid have neglected their high voltage overhead transmission lines. These are not the line on the road side; they are the ones that cut across the country.

Public Service Commission has declared that their answer to the Federal Energy Regulatory Commission is we do not have to build any more power plants because we have an excess capacity in the State of New York. We have a couple of more plants in Dover Plains and Waywanda that are in the final approval process. They have not even been built yet. The Federal Energy Regulations Commission believes, if they raise electric rates, it will make the investors more willing to finance building electric power generating plants. Public Service Commission Chair, Mrs. Zibelman said their response to this is they are going to straighten out the transmission and the process would have taken 3 -4 years. Governor Coumo told Bloomburgh news, he was going to have this straightened out in 10 months, which is perceived to be a stretch of the truth.

Randolph further explained there are 3 North South links. The Marcy South line goes way out west of Orange County which is the most modern transmission line that runs north to south. Over across the river in Columbia and Dutchess County, they already have 2 huge lines that go down to Pleasant Valley. These lines meet up with strong facilities that Con Ed has modernized. National Grid and Central Hudson have been waiting to make some kind of deal and spend a lot of the rate payer's money. They have long neglected their facilities. Central Hudson has not done anything with the facility on this side of

the river. This means you have 2 strong legs and right down the middle is our weak link. If something goes off on either of the two strong legs that can cause the weak one to fail.

There are 4 business entities participating in this process to solve the transmission congestion. Three of them are proposing projects on the east side of the Hudson River. One proposed version would be done by National Grid who bought Niagra Mohonk but never fixed this link. Two similar approaches are proposed by LS Power, doing business as North American Transmission, and NextEra, both of which are very large entities with no previous experience in our region.

The Forth proposal by Boundless Energy is the only one that is cost effective. It makes 1,200 Mega Watts not just 1000 Mega Watts. It is advanced technology and can be done quicker than anything else. It makes up for Central Hudson's neglect of our piece because it is the middle link.

Randolph has thoroughly reviewed the technology that will upgrade our corridor and make our electricity more reliable at the least cost. He explained how this Bidder embodies the engineering knowhow and development team that built the Neptune Cable that runs from NJ underwater out to Long Island that provides 25% of Long Island's power. This proposal uses advanced technology to string a modern 21<sup>st</sup> century wire on the same towers that are already in existence and will move more power through the corridor without disrupting anything. This company is Boundless Energy and their project is called Leads Path West. Randolph believes their plan will fix the weak link giving us more access to renewable energy over time. This gives towns in Ulster County an opportunity to join in a mutual agenda with the people of Dutchess and Columbia Counties.

This forth bidder, Boundless Energy LLC, is unique and our Ulster County Government needs an update to make the Administration and our Legislature aware which one of these proposals can be a benefit to us. It can also help us to resolve this promptly and we can meet a timetable which can stop a rate hike. Esopus will be one of the first towns to alert the County Administration.

Supervisor Coutant asked who will pay for the wire conversion. All of the improvements will have a cost associated with it but this proposal will be the cheapest solution. The costs of the other options are almost 5 times more expensive. Councilperson Freer was concerned with the effect the new wire would have on emissions. Randolph stated the emissions would be the same as they are now but the wire would carry the current more efficiently. When you get three foot away from the cable there is no difference. Randolph will look into the EMF result and what if anything it has to do with radio frequency. There is only a small portion of these cables that run through the town. It enters in just between New Paltz and 213 over on 32 and comes behind the Central Hudson recreation plant. They are located on H poles.

Randolph Horner made the point that there is a shared agenda that gets the east side of the river and the west side of the river working together. We all want to stop the rate hike and to have a shared agenda for dealing with improving the transmissions facilities wisely and in a thrifty way so it does not burden the rate payers.

The Public Service Commission has responded to the concerns by having informational meetings and have extended the comment period through February. This is an opportunity to reach out to County Executive Michael Hein, Congressman Gibson, Senator Schumer, Senator Gillibrand, Senator Tkaczyk, Senator Larkin and Senator Bonacic on this non partisan issue and work together to relieve some aspects of the situation.

John suggested speaking to the Municipalities on this side of the river and get a consensus of what should go into a letter and have all the municipalities sign one document. We need to do everything we can do to put off a 10% – 15% rate increase. Randolph will draft a letter.

The transmission is going to be upgraded by someone and the cost of the upgrade, if it is done by the utilities acting as a group, is 5 times what the cost of the upgrade would be on this side of the river.

We have two opportunities. One to defect the federally ordered rate increase by having the State of New York Public Service Commission and two the Governor say to the Federal Government that we have a plan for promptly solving the transmission congestion so that we do not need any more rate increases or power plants; and two, that we want our own transmission facilities to be upgraded, so that our power supply will be more reliable.

Randolph believes our solar energy project at the landfill will be started before the end of the summer.

## **2. Anderson Center** - document sent from Neil Pollack

Communication from Neil Pollack was received by Supervisor Coutant on January 6, 2014 which stated that they had not received any communications from the town and therefore considered the requirements fully satisfied and they are planning on closing on January 10, 2014. A certified letter had been mailed January 2, 2014 which was within the 40 day timeframe. It included a letter from the Ulster County Department of Public works listing their concerns of the limited sight visibility due to the curve in the road and Supervisor Coutant suggested they rethink the purchase of that location. The town provided 4 different options that were researched and put together, pictures documentation as well as a letter from the county relative to the driveway at 283 Union Center road stating that there was never a driveway permit issued. Mike Litts, St. Remy Fire Chief is sending a letter to John stating it is impossible to get fire apparatus up to the facility with the trees to be able to fight a fire. It was determined that no matter what is said the state will do whatever they want. The only way it can be stopped is to prove an over abundance of that type of housing within a certain amount of distance from where they are trying to put the house, which there is not. Although there was a discrepancy on the date of receipt of the original communication from Mr. Pollack, it would not have any bearing on the outcome of the situation. The certified letter regarding the Anderson Center was sent to Supervisor Coutant at his home address not to the official town address. As long as the letter was delivered to the Chief Executive Officer it does not matter if it is hand delivered, sent to a home address or business address, it is considered delivered. Town board had worked hard to put together other suitable locations and they are disappointed that the state did not make an effort to look into those alternative locations.

### **3. Building Department – Fee Increase**

Tim Keefe had made the suggestion that the fee schedule change for sub-section 12-A (1) Repairs, alterations, renovations. He proposed to add a sub-section (d) to 56-12A (1), this section would read the same as the Department of State fees. “No fee for an alteration or renovation shall exceed the fee which would be applicable if the particular building or structure were to be newly constructed.” The Town Board will look into the possibility of amending the Local Law. The process of amending the local law will take approximately three months. As proposed one line talks about sq footage and another deals with dollars and cents. Somehow this has to be equalized. Tim will be asked to come to the next workshop meeting and explain how the other municipalities have done this. The Board can change the fee by resolution, however, adding of a sub section requires a new local law.

### **4 . Executive Session - Tax certiorari for Harinam Properties (Mobilmart)**

**A motion was made by councilperson Wayne Freer to enter into Executive session at 9:10pm in regard to a legal matter of the Tax certiorari for Harinam Properties (Mobilmart). Council person Kyle Barnett seconded this motion. All Town Board Members voted in favor. Motion Carried.**

**A motion was made by Councilperson Wayne Freer to come out of Executive session at 9:15 pm Councilperson Diane L. McCord Seconded the motion. All Town Board Members voted in favor. Motion Carried.**

**Councilperson Wayne Freer made a motion to authorize Supervisor John Coutant to contact Mr. Burnholtz to get the trial ready appraisal, at an estimated cost of \$3,900.00. The motion was Seconded Councilperson Gloria Van Vliet. All Town Board Members voted in favor. Motion Carried.**

### **5. Mortgage tax**

The Town received a check of \$103,427.62 for mortgage tax which was down from what was figured. They had estimated \$128,000.

### **6. Ulster County Self Insurance Plan**

We have been notified by Ulster County that they will no longer be handling our worker’s compensation claims. A third party administrator will be assigned to process such claims. We will no longer be dealing with Insurance Officer Bonnie Szpulecki , she has retired.

### **7. Rich Williams – Resignation – Planning Board**

Councilperson Diane McCord said she was sorry to read this letter. Rich worked well with the Planning Board and his time spent on the board was appreciated. Supervisor Coutant said we need to look for a replacement for a new Planning Board member. When looking for a member they need to make sure they get the best qualified person we can get. It is an important board and they have an impact on the future of the town. The Planning Board is strong and well committed. The planning board was

responsible for moving Stewarts back from the road and not placing next to the curb where the County wanted it. They were instrumental in turning the Birchez complex around and because of their changes it is the number 3 facility in the country. The Town Clerk will work with the Supervisor on the advertisement to fill the vacancies for the various boards.

Diane suggested Mr. Rizzo for the Environmental board.

#### **8. Don Cole**

Don Cole passed away January 5, 2014. He was a former Chairman of the Zoning Board of Appeals in Town of Esopus, and member of the Water Front Advisory Committee. Supervisor Coutant asked members of the board to attend the wake to show their appreciation and support. John intends to close the next town board meeting in Don's name.

#### **9. Miscellaneous items discussed**

##### **Injury of Town Employees**

Wayne Freer made The Board aware of the incident regarding Trevor Stevens from the Highway Department falling off the sander the other day during the storm. He ended up being transported by ambulance to the hospital. He is bruised pretty good. Supervisor Coutant added that Derek Brown also fell off the sander the same day. Both employees are ok and will return to work this week. The sanders have a grate which needs to be cleared when a larger chunk of salt gets stuck. When it is very cold the sand is freezing because it has moisture in it. Solutions included a better way of mixing the sand in the shed, pulling the sand from another portion of the pile which is not getting wet and Wayne added, Mike has a rack so they can pull up to a rack.

Mike Cafaldo, Highway Superintendent, has had a problem with three of the sanders, one fiber glass and two metal. All of the chains on sanders are broke. He had planned in his budget to replace two sanders this year. A chain cost \$1,700. The new stainless sanders like the one bought last year cost \$8,700. He planned on getting two later in the year but he needs them now. He will purchase two new stainless steel sanders and replace the chain on the fiberglass sander so all 3 will be able to be used. The bill is expected to come in sometime in March or April. Salt damages them because there is nowhere to wash the trucks. Corrections to the garage need to be done to allow for proper maintenance of the trucks.

##### **Payment to Hacker and Murphey**

Councilperson Gloria VanVliet asked if we had stop payment to Hacker and Murphy. Kyle replied as far as he knew it had been stopped. We never heard anything from them regarding the matter.

## **Union Negotiations**

Councilperson Gloria VanVliet asked if we ever got any sound figures from our insurance carrier through CDPHP. It is prohibitively expensive and totally different than the dental plan they provided to us. Marshall & Sterling Insurance may have another program that we can look at. They will be getting back to the Supervisor. Once negotiations are completed the board will meet and review their options. It will be an executive session since it is in reference to the negotiations of a contract. Cost is very important to the town.

## **14. Adjournment**

**A Motion to adjourn at 9:45 PM was made by Council person Kyle Barnett and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.**

**Respectfully submitted,**

**Holly A. Netter**

**Town Clerk**