

Town Board Workshop Meeting

April 6, 2023

A regularly scheduled Town Board Workshop meeting was held in person at the Esopus Town Hall, 1 Town Hall Way, Ulster Park, NY. on Thursday April 6, 2023, at 7:00 PM with the following persons in attendance:

**Supervisor Danielle Freer
Councilman Kathie Quick
Councilman Jared Geuss
Councilman Evelyn Clarke
Councilman Laura Robinson**

Recording Administrator Holly A. Netter, Town Clerk, RMC

4 ways to give public comment:

In person at meeting

Phone – 845 331 0676 and leave a voicemail

Email – ireynolds@esopus.com with subject line “Public Comment” and meeting date

Mail – Town of Esopus PO BOX 700 Port Ewen, NY 12466

SUPERVISOR FREER OPENED THE WORKSHOP MEETING AT 7 PM AND PROCEEDED WITH THE PLEDGE TO THE FLAG.

SUPERVISOR FREER MADE A MOTION TO OPEN PUBLIC COMMENT. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS WERE IN FAVOR: MOTION CARRIED.

PUBLIC COMMENT

Lee Gough, Environmental Board member introduced Tom Polk, Bicycle Program Director from the YMCA. The Climate Smart Task Force Committee, which is confirmed of members of our Environmental Board, is looking to increase non-motorized transportation. Lee Gough introduced Tom Polk to share information about the YMCA’s cyclist safety initiative.

In September of 2016, Gaby O’Shea was struck by a vehicle while riding her bicycle near New Paltz and suffered life-threatening injuries. Local artist Ryan Cronin created the ‘Expect A Bike Ahead’ painting as a fundraiser to aid in Gaby’s recovery. Subsequently, yard signs were made using the image and have been distributed throughout Ulster County. They are available through the YMCA to increase drivers’ awareness of people on bikes. The signs are free and are intended to be placed alongside roads in Ulster County.

The Bicycle Program is directed by Tom Polk, Bicycle Educator for the YMCA. He is a life-long cyclist and has been leading rides and instructing youth and adults for the past 10 years. Tom holds certification from the League of American Bicyclists as a League Cycling Instructor (LCI) and is certified as a Ride Guide by the International Mountain Bike Association.

The Town of Esopus has agreed to partner with the YMCA to promote cyclist safety. Safety Vests are also available at the YMCA free of charge, which will allow people to be safe and be visible. Supervisor Freer has offered to help the YMCA promote cyclist safety on social media. Lee Gough made a request that signs be placed on 9W heading toward Kingston and near the two Ghost bikes, where a cyclist has been killed.

Nina Nichols, Environmental Board member wanted to make the Board aware of this information.

The Climate Leadership and Community Protection Act (Climate Act) requires State agencies, authorities, and entities to direct funding in a manner designed to achieve a goal for disadvantaged communities to receive 40% of overall benefits of spending on clean energy and energy efficiency programs. The Climate Act directs the [Climate Justice Working Group](#) to establish criteria for defining disadvantaged communities, however until the criteria is established, New York State has identified interim criteria for disadvantaged communities, which includes Port Ewen and Rifton. Nina wanted to bring this information to the attention of the Board and said we may be able to leverage our position relating to CHPE, Dyno Nobel cleanup and Holtec plan. Although there are communities like Poughkeepsie are closer to Indian Point, she said there is still concern Radionuclear particles flowing up to our area since the Hudson River's flow is Bi- Directional.

Supervisor Freer said Hudson 7 is addressing the Indian Point issue. While she is "all in" regarding taking action and focusing on the CHPE matter.

SUPERVISOR FREER MADE A MOTION TO CLOSE THE PUBLIC COMMENT. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

LAKESHORE VILLAS SEWER IMPROVEMENT REQUEST

Lakeshore Villas PropCo, LLC purchased the Lakeshore Preserve apartments (557 Broadway, Port Ewen, NY) in January of 2021. This apartment complex was initially constructed in the early 1970's as Waterside Apartments. At that time the Port Ewen Water District was extended to include the property, and the Port Ewen Sewer System was not constructed.

Some basic facts about the property are as follows:

Acreage: 9.1 acres

Property Class: 411- Apartments

Units: 154 (1,2,& 3 bedrooms), 290 total bedrooms

Water/Sewer Use: 12,000-22,000 gallons per day (historic)

The complex has relied on a sand filter system with a New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) Discharge Permit to Esopus Lake for treatment of wastewater from the apartment units. The sand filter is near the end of its useful life. We are requesting your consideration to allow us to connect to the Port Ewen Sewer System. A sketch of a possible connection route is attached, and would include a pump station at our site, and approximately 4,200 feet of force main to a point of connection on Route 9W.

They propose to pay for the associated design and installation of the improvements, entering the Improvement Area as a taxpayer, adding assessed value to the Port Ewen Sewer improvement Area (PESIA). The benefits to the Town include added tax base to the PESIA and environmental benefits to Esopus Lake, as a surface discharge would be eliminated.

The NYSDEC SPDES Permit, SPDES No. NY0079626 / , DEC No. Permit No. 3-5122-00056 was recently re-issued to Lakeshore Villas Propco, LLC. Due to the age of the treatment system and its current condition, we are under a compliance schedule to replace the sand filter system and provide additional treatment. Our deadline for plan and report submission to the NYSDEC is August 8, 2023. The public sewer connection option would be our preferred alternative.

Therefore, they are requesting a meeting with the Town of Esopus in March or April of 2023 to pursue this alternative with the understanding that they would need to know by early summer of 2023 (e.g. June 2023) if connection to the Port Ewen Sewer System is feasible.

Nick is working on research to find out if we can handle this. They have no violations or current issues they just have an aging system that needs to be replaced. LakeShore Villas has brought in Brinier and Larios to discuss alternatives to the existing system. They prefer to connect to Port Ewen's Sewer System. If granted it would take numerous sit-downs with the Water Department and Town Board to figure if it is feasible and would the Town Board be interested in pursuing the opportunity.

Councilman Guess asked if there were plans for future expansion of the development?

This was just an introductory conversation, and the Board looks forward to meeting the owners and their engineers at the next Workshop meeting in May.

TRANSFER STATION CONTRACTOR CONTRACT MODIFICATION AGREEMENT

A MOTION WAS MADE BY COUNCILMAN JARED GEUSSTO AUTHORIZE SUPERVISOR FREER TO SIGN THE CONTRACT MODIFICATION AGREEMENT IN THE AMOUNT OF \$81,000 FOR LENNY LIBERTA, LIBERTA BROS INC., FOR A TERM OF MAY 1, 2023 -APRIL 30, 2024, FOR MANAGEMENT OF THE ESOPUS TRANSFER STATION. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

MOTION FOR SUPERVISOR TO SIGN UC MUNICIPAL PARKS AND RECREATION GRANT (MPRG)

A MOTION WAS MADE BY COUNCILMAN LAURA ROBINSON TO AUTHORIZE SUPERVISOR FREER TO SIGN THE APPLICATION AND COMMITMENT LETTER FOR THE UCMPRG. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

**Laberge is helping with the application. Park improvements were part of the Comprehensive Plan. Looking to improve the Cas Landi Park area with new “woody” looking playground and will be ADA compliant. They would like to have a walking/running track around the field, could possibly use Item #4 and install it with the Rec & Highway Department personnel. The work could be our “In-kind” contribution. This will be discussed with Laberge, however this may have to be phase II to the park improvements.

PLANNING BOARD RESOLUTION – PORT EWEN FIRE DEPARTMENT DISCUSSION

A discussion regarding a recent resolution that was passed by the Planning Board for the Town to open Bowne Street as an additional emergency exit for the exclusive use of the Port Ewen Fire Department. They made the following recommendations: clearing brush and obstacles blocking possible emergency use of Bowne Street connection to town hall road for all emergency vehicles and fire apparatus. Establishment of a road for suitable travel of fire vehicles and apparatus from Bowne Street to Town Hall Road. If necessary, the Town of Esopus will need to install a gate and locked fence to prevent public use of this connection with a key provided to the Port Ewen Fire Department for exclusive use during an emergency situation where access to Route 9W is blocked.

Upon discussion with Ulster County Emergency Management as well as the Ulster County Sheriff’s Department, the Board agreed not to take action and bear the expense of the Planning Board’s recommendations to open Bowne Street for one fire department. The new PE Fire Department plans include a “stubbed “access road into Heavenly Valley for future connection if needed. They also have an existing curb cut on their own property that they can later develop at a much lower cost in the future if they choose to do so.

WASTEWATER ENGINEERING SERVICES REQUEST FOR QUALIFICATIONS DISCUSSION

TIGHE & BOND RFQ

The Port Ewen Water/Sewer District requested qualifications from firms to provide wastewater engineering services including evaluation, design and construction of wastewater collection systems. Anticipated services for the project include Grant Procurement Administration, Engineering Studies and Evaluations, Engineering Design Bidding Administration, Administration

Construction. On February 23, 2023 the RFQ's were opened in the Town Clerk's office at Noon with the Water Superintendent present. The sole bidder was Tighe & Bond, 47 West Market St. Rhinebeck, NY 12572.

A MOTION WAS MADE BY COUNCILMAN JARED GEUSS TO AUTHORIZE SUPERVISOR FREER TO PURSUE OBTAINING THE NECESSARY CONTRACTS AND DOCUMENTATION TO MOVE FORWARD WITH TIGHE & BOND FOR THIS PROJECT. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

MISCELLANEOUS- CHPE

A RESOLUTION AUTHORIZING AND DIRECTING THE SUPERVISOR TO REQUEST PARTY STATUS IN PSC CASE 10-T-0139

WHEREAS, Champlain Hudson Power Express, Inc. ("CHPE") proposes to construct a High Voltage, Direct Current ("HVDC") transmission line extending approximately 330 miles from the New York/Canada border to a proposed DC-to-Alternating Current ("AC") converter station in Astoria, Queens (the "Project"); and

WHEREAS, on April 18, 2013, the Public Service Commission ("PSC") granted a Certificate of Environmental Compatibility and Public Need ("Certificate") to CHPE for the Project pursuant to Article VII of the New York State Public Service Law ("PSL") (Case 10-T-0139); and

WHEREAS, the HVDC transmission line will be placed underneath the Hudson River in the Town of Catskill and head south for approximately 67 miles to the Town of Stony Point in Rockland County; and

WHEREAS, the underwater tunnel would be excavated by means of horizontal directional drilling ("HDD"); and

WHEREAS, the Port Ewen Water District ("District") provides approximately 4,500 residents within the Town of Esopus with drinking water, including residences, businesses, a senior assisted living complex, three elementary schools, a high school, and a large adult education facility; and

WHEREAS, whereas the HVDC transmission line and underwater tunnel would be located in close proximity to the Town of Esopus' water intake; and

WHEREAS, the HDD will cause the churning up, suspension, and resuspension of thousands of pounds of dangerous sediments located within close proximity to the District's water intake; and

WHEREAS, the sediment along the bottom of the Hudson River has long been documented to “have elevated concentrations of metals, polychlorinated biphenyls (PCBs), and polycyclic aromatic hydrocarbons (PAHs) [...] some of these concentrations exceed federal or state water-quality standards”.¹; and

WHEREAS, recent test results from the pilot HDD indicate that the HDD will result in elevated concentrations of Polycyclic Aromatic Hydrocarbons (PAHs), PCBs, Arsenic, Cadmium, Copper, Lead and Mercury that exceed EPA maximum contaminant levels in drinking water; and

WHEREAS, the Project will endanger the safety and welfare of District infrastructure, and 4,500 residents of the Town; and

WHEREAS, safe, clean drinking water is essential for the people served by the District; and

WHEREAS, the Town of Esopus was not provided with legal notice of the Project resulting in its inability to participate in the proceeding before the PSC; and

WHEREAS, the Town of Esopus has sought reimbursement from CHPE for costs incurred and to be incurred by the Town of Esopus in reviewing reports and protecting the water intake, but has not received a timely response, hindering its ability to meaningfully participate in the review process; and

WHEREAS, then Town seeks standing to participate in the PSC’s continuing review of the Project as a party to the proceeding.

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to request party status in PSC Case 10-T-0139.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

RESOLUTION OFFERED BY: SUPERVISOR FREER

RESOLUTION SECONDED BY: COUNCILMAN KATHIE QUICK

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

RESOLUTION DULY ADOPTED.

¹ Water Quality in the Hudson River Basin New York and Adjacent States, 1992–95, United States Geological Survey, dated 1998, available at, <https://ny.water.usgs.gov/projects/hdsn/report/Circular1165.pdf> (last accessed March 9, 2023).

The foregoing resolution was thereupon declared duly adopted.

LIAISON LIGHTNING ROUND

Councilman Kathie Quick

WATERFRONT ADVISORY BOARD

The Waterfront Advisory Board has continued to work on the LP update. Several members met with Adriana, the new consultant with Laberge. The next meeting will be on April 26 at 7 PM.

ZONING BOARD OF APPEALS

The ZBA met on 21. The next meeting will be on Tuesday, April 18 at 7 PM. They will be discussing a variance in Connelly regarding property owned by Mr. Rieker near the corner of Marys Avenue and Center Street.

ASSESSOR'S OFFICE

The tentative 2023 Assessment Roll is completed and will be available at the Town Clerk's office and at the Assessor's Office on May 1. The Assessor will be available with the tentative Assessment Roll on May 8 and May 9 between the hours of 2-4 PM and 5-7 PM and on Saturday May 13 from 10 AM to 12 Noon. The Board Of Assessment Review will meet May 23, from 3-5 PM and from 6-8 PM. To make an appointment call 845-331-5546.

ESOPUS SENIORS

The Esopus Seniors went on a trip to Proctor's Theater in Schenectady NY. There will be a trip to the Riverview Inn in Matamoras PA on May 2. There is a trip scheduled for June 28 to Lake George for a Luncheon Cruise.

Councilman Clarke:

EDC: Good meeting. Two new members; Erin McNierney from the Town Clerk's Office and Ayerim Maduro-Lacie tourism/marketing rep from Aruba.

George Post is open to having businesses be part of the Memorial Day Parade; fun promotions for the day.

PARKS & REC

Freer Park all cleaned for the Egg Hunt on April 8th.

Padding for the pavilion at Freer and Lighthouse Park is being scheduled for summer. The Bruderhof will help the Highway Dept. build the pavilions.

PARKS, BUILDINGS & GROUNDS - Looking for a seasonal FT maintenance person.

Town Hall Automatic Door

Supervisor Freer had an additional conversation relating to accessibility at Town Hall with regard to the installation of an automatic door opener upstairs. Giel from RCAL had suggested working with Rest Assured to obtain some options for automatic door openers. Town Clerk Holly Netter mentioned she had also met with him a few years ago and expressed the need for push button automatic access. There was concern for accessing the community center for events and voting. The lower-level entrance has accessible parking closer to the building and should also have the push button access. People attending events at the Community Center and voting could enter and either take the elevator to the upper level or enter the Community Center from the hallway.

KEY UPCOMING DATES – CHECK WEBSITE FOR MORE DETAILS:

4.7 TOWN HALL CLOSED

4.8 EASTER EGG HUNT HOSTED BY PARKS & REC COMMISSION

4.20 NEXT TOWN BOARD MEETING

4.23 EARTH DAY EVENT HOSTED BY ENVIRONMENTAL BOARD

5.6 RIVERKEEPER SWEEP (REGISTRATION NOW OPEN)

ADJOURNMENT

SUPERVISOR FREER MADE A MOTION TO ADJOURN THE MEETING THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE AT 8:41 PM. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

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