

TOWN WORKSHOP MEETING

JULY 1, 2013

A regularly scheduled Workshop Meeting of the Town of Esopus Town Board was held on Monday, July 1st in the Town Hall 284 Broadway in Port Ewen, New York with the following persons in attendance:

Supervisor John Coutant
Councilperson Gloria VanVliet
Absent: Councilperson Wayne Freer
Councilperson Donna McAuley
Councilperson Kyle Barnett

Administrative Recorder: Diane L. McCord, Town Clerk

Supervisor Coutant called the meeting to order at 7:35 PM.

Public Comment: None

1. Budget/Bookkeeping Update – Wayne

Councilperson Wayne Freer is on vacation. Councilperson Gloria VanVliet stated Councilperson Freer has made considerable progress with Harris Products and a suggestion was made to have two Councilpersons meet with Harris to review alternatives to our present software package. The Town Board members agreed this was a good idea.

2. Storm Damage – Tree/House, Park, and Leased Property

On Monday, June 24th a "Micro-burst" storm with heavy winds, hail and torrential rains swept through our area. A large tree on the corner of West Stout and Bayard St. came down and hit a house owned by Alan and Rosemary Mendelsohn at 161 West Stout Avenue. Supervisor Coutant met Highway Supt. Cafaldo at the scene. The tree was within the right of way of the town road. The tree took a portion of the road with it when it fell. The tree was lodged against the Mendelsohn's house and created damage to it. The Supervisor had the Highway Dept. remove the tree and fix tarps to the roof to temporarily prevent further damage from occurring. The Highway Dept. did take care of the limbs. The tree was healthy and there were no dead limbs and no reason to believe there was a defect. The tree went over because of the high winds.

The Presentation Church property behind the Ross Park parking lot had six trees blow over. There was another two trees in Ross Park itself. We cleaned up the limbs at Ross Park so the Summer Park Program could continue and this was done before the Tuesday session. The vacant lot behind Ross Park Parking Lot was cleaned with the help of the Highway and the Recreation Dept. men.

Today we spoke about damage on the Genther property 236 Clay Road where a tree fell and took out a swimming pool. The Building Inspector and the Supervisor viewed the property. The tree took out a ten foot diameter two foot deep pool and that tree was dead and it was in the area between Clay Road and Lindorf St. where there are

drainage pipes behind the houses. When that drainage was put in place there were no agreements with the neighbors.

Diane McCord lived at the end of Lindorf St. when Highway Supt. Joe Clark put in the drainage behind the houses. There were no agreements with the neighbors. There were open ditches where the water accumulated prior to the drains being installed. If this was done today we would have easements. The Supervisor asked how do we deal with this \$100 pool? Councilperson Kyle Barnett said to have them call the homeowner.

The Supervisor spoke to NYMIR representative through Ulster Insurance, Gail Yonetti, about the West Stout property and if there was a defect and we were notified and we failed to do something about it then there would be some responsibility. The tree was healthy. Unfortunately, the homeowners had no house insurance. Even if they had insurance, few policies cover trees falling on your house. Mr. Mendelsohn did come in to ask for a Notice of Claim Form from the Clerk's Office after being advised to do so by people at the Library. The supervisor did authorize the Highway Department to help put up the tarps to cover the roof. Mr. Mendelsohn purchased the tarps. Our crew went above and beyond. The tree had to be removed and taken out of the street and we still have to fix the street. At some point we will have to go to the center of the street for the repair.

3. Sleightsburgh Spit Gate – Installed – Signage

The Sleightsburgh Spit Gate has been installed. It will remain open at this point and locked when the winter months come. When we decided to open it we will pass it on. When the gate is closed the park is closed and when the gate is open the park is open.

Signage was discussed and the signage will state when gate is open park is open and when gate is shut the park is closed. It was decided in case of an emergency Supervisor Coutant's home number could be placed on the gate, however, with temporary lettering.

4. Sojourner Truth Park Update

The cement work has been completed at Sojourner Truth Park. Eleven yards of cement has been poured at a cost of \$18,500. Concern was voiced about the security of the bronze statute to be placed at the site and about having insurance. The Town would not be responsible.

5. Tire Swing Installed

The installation of a new tire swing to replace the old one has been completed. The children are happy. The new tractor is fine.

6. Assessor Advertisement

The Town Clerk will place an ad in the classified section of the Daily Freeman stating:

Town of Esopus Assessor position available: Town resident preferred.
Candidate must have the minimum qualifications for appointed Assessors

pursuant to NYS Office of Tax Services. Resumes can be submitted to Supervisor
P O Box 700 Port Ewen, N. Y. 12466 by August 1, 2013.

This ad will be advertised on July 5, 6, 7 and 8. The State needs to approve the person we appoint.

7. Port Ewen Housing "The Meadows" – Drainage District

Sam Horowitz believes this Town Board will create a Drainage District, a taxation district and tax each of the homeowners an appropriate amount through a reserve account that is collected and move forward to maintain anything that must be done within the drainage district such as cutting the grass and cleaning the drainage ditch. He has said this over and over and he is not letting this go. This is not what will happen.

The Supervisor told Mr. Horowitz we would create a Drainage District, however, Horowitz would have to find a way for the homeowners to maintain the district. Tonight the Supervisor would like to make part of the minutes what the town is willing to do so Sam Horowitz knows where he stands. The Planning Board will not let him move ahead until the decision is made. We provided a list of what he should do last year.

The Town Board will place our position in the minutes to uphold what we have outlined.

1. The Town Board will create a Drainage District.
2. The Town Board will not create a Tax District. This should be done through the creation of a Home Owners Association or a similar means of collection.
3. The Town Board will not collect taxes for the operation of the Drainage District. This will be done through the creation of a Home Owners Association or a similar means for collection.

Councilperson Gloria VanVliet said we are not going to maintain the drainage district and Supervisor Coutant agreed. Councilperson VanVliet asked should we hire legal counsel and pay for it out of his escrow account to explain how this should be set up? No. Supervisor Coutant said we will agree to establish a drainage district that he will maintain through a homeowners association and not burden the town with taxation, maintenance or repairs. If there is a major catastrophe, that would be a different situation.

Councilperson Gloria VanVliet said after Mr. Horowitz has sold his houses and leaves, the Home Owners Association will be in charge of the Drainage District. This would be the same as the Home Owners Associations at Riverview or Rondout Harbor. The Homeowners Association would have to collect the taxes for the Drainage District. Mr. Horowitz has threatened to pull out and if he cannot comply with our wishes he should pull out.

8. Geese at Waterfront

The Waterfront Advisory Committee also has a concern with the geese at the George Freer Memorial Beach. The Town Board spoke about placing LED Lights in the trees. Councilperson Freer was supposed to get the lights and have them placed in the trees. Councilperson VanVliet did not believe this was decided, however the Town Board said they agreed.

The Waterfront Advisory Board also wanted high grasses planted as a barrier to prevent the geese. This could be placed in the budget for next year. This is a special grass seed. We will find out how much the seed costs.

9. Notice of Defect

It was noted that all Notices of Defects must be placed in the Town Clerk's Notice of Defect Book. All Department Heads should be notified they must contact the Town Clerk if they are informed of a defect.

A Motion to adjourn was made by Councilperson Gloria VanVliet at 8:25 PM and seconded by Councilperson Kyle Barnett. All Town Board Members present voted in favor. Motion Carried.

Respectfully submitted,

**Diane L. McCord
Town Clerk, CMC, RMC**