

**TOWN BOARD WORKSHOP  
JULY 16, 2013**

A regularly scheduled Workshop Meeting was held on Tuesday, July 16, 2013 at 7:30 PM in the Town Hall 284 Broadway in Port Ewen, New York with the following persons in attendance:

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

**Administrative Recorder: Diane L. McCord, Town Clerk**

**Randolph Horner, Solar Consultant  
Myles Putman, Planning Board Consultant  
Fred Zimmer, Planning Board**

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

**Public Comment:** None

**1. Solar Project – Randolph Horner**

Randolph Horner explained we have the opportunity to bring forward Onforce Solar. This company's CEO offered to come this evening but we had a large agenda. Randolph Horner believes this company is within the bounds of our vendors. We could have another bidding opportunity. Supervisor Coutant asked if this vendor will be within our dollar-range? Mr. Horner can better reply to the dollar range.

There are ten regions within New York State in which to apply for grants. We are in the Mid-Hudson region. During the last round of grants 63 million dollars was given for all kinds of projects. Should the Town of Esopus authorize the Supervisor to submit a grant application, it could be combined with other municipalities and we could go in as a group. We could receive \$100,000 or \$150,000 and would make our power project more affordable. The group would consist of the Town of New Paltz, the Village of New Paltz, the Town of Woodstock and the Town of Esopus. This would be an unprecedented group application. New Paltz Town Board will approve the group application on Thursday, the Village of New Paltz is working on this as well as Woodstock.

On another subject, we will not be buying our panels from the original vendor in Kingston, Solartec. The new vendor we are interested in for the purchase of solar panels is Prism Solar which is located on Eltings Corners Road across from Green Apple Golf Course in New Palt. They are a growing supplier. If we use them we will not be buying any Chinese solar panels. They produce a premium product. If any Town Board Members would like to tour their plant we can make arrangements. We have washed our hands of American Capital Energy. The \$20,000 they gave Central Hudson on our behalf of the town is lost to them. We have our interconnection with Central Hudson and they cannot go back on it. Randolph Horner requested a resolution authorizing the Supervisor to sign the grant application by the end of the month. This would be the third round of grants for New York State money for consolidated funding. Randolph Horner will prepare the application and be given priority status which will make the

application more palatable for the state. Supervisor Jeremy Wilbur is taking this application to the Woodstock Environmental Board and once approved by them he will call a special meeting to authorize the application. This grant money will help to defray the \$189,000 we will have to pay Central Hudson. Supervisor Coutant asked if the town Board would make a Resolution to vote on the grant application and they agreed. The future of our solar project would only be aided by these grants.

Discussion about visiting Onforce, where they make the solar panels, and being able to have a tour by their CEO ended up with the Supervisor, Randolph and Councilperson Freer visiting on Thursday July 25<sup>th</sup> and Councilperson Kyle Barnett and Councilperson Donna McAuley visiting on August 1<sup>st</sup> at 2 PM. They believe if they visit during a regular production day they can see the robot making the panels.

Councilperson Gloria VanVliet asked about New York State Solar Farm, since there was an article in the newspaper about the production of solar energy this morning in the Daily Freeman. Randolph Horner explained the company is owned by the Anthony Sicari Family. It only produces a limited amount of energy according to Randolph Horner.

### **1a. Solar Panels at Town Hall**

Councilperson Gloria VanVliet asked Randolph Horner about the solar panels on the far end of our Town Hall lot for they have not turned for the past several months. Randolph was embarrassed because he personally has changed eighteen of the actuators which turn the panels. Alteris was the company that installed the panels originally but they were bought out by Real Goods and there has been no progress in having the actuators fixed. They still produce solar energy but not at the rate they would produce it if the panels followed the sun and turned. Supervisor Coutant will contact Real Goods.

### **2. Fred Zimmer – Drainage District – Port Ewen Housing Development**

Fred Zimmer said I understand you have decided to form a Drainage District. No, we decided not to form a Drainage District. Not forming a Drainage District would be a terrible mistake. Anything that goes wrong with these drainage ponds means the town will be cited. Fred Zimmer suggested the Town Board form a Drainage District and come up with a dollar amount to assess to each of the twenty-five houses in the Port Ewen Housing development. To maintain the drainage district there are four different options:

1. You could form a line item within your budget and have an amount carried from one year to the next.
2. Create a line with an encumbered fund. This will only be for the Drainage District.
3. You could have a Special Assessment to those property owners. You would create a “sinking fund”. It would be untouchable and used only for that purpose according to Councilperson Wayne Freer. The question was asked, “Is there a “start-up fee”? Yes, the people in the development do not pay the costs if there is a problem, according to Fred Zimmer, the town would have to pay. It is the obligation of the Planning Board to make sure the development has proper drainage. At this point you could go back to “Fawn Meadows” development and re-direct their Drainage Issue.

4. The Supervisor asked, could the developer or the Home Owners Association do the same thing? Yes. It is a liability for the town without a Drainage District. DEC can cite the town and the town will be responsible. Councilperson Gloria VanVliet asked who will be responsible for the money? Fred Zimmer answered the town will always be responsible. When asked about the guidelines for a Drainage District, Councilperson Kyle Barnett said the DEC will have model regulations. We need an escrow account with the project and start up fees included said Fred Zimmer. Bottom line is, if I am responsible for the district, I want to control the money. \$100 a house would be his recommendation. Once you have the money you can ask the Highway Dept. to take care of it or to hire a firm to handle it. You could have summer help do it. You could right a contract for the maintenance of the project. It was suggested that \$7,000 is exorbitant but in the end someone will have to pay for it. The Supervisor believes the best thing to do is to hire an outside contractor. Councilperson Wayne Freer agreed the contractor would be a better choice other than the town employees. Councilperson Kyle Barnett asked if this project is being held up because of this? Fred Zimmer answered there are other issues as well. Supervisor Coutant wanted to make a decision within thirty days. They made a proposal and recently they contacted the Supervisor with the same story as in 2012. We decided not to do anything with it. If we let the Home Owners Association handle it, it may be a number of years before it is taken over. Fred Zimmer said if you start collecting the \$100 per house that is \$2,500 a year and you will have a fund to take from. The developer will pay to install the drainage basins. Councilperson Kyle Barnett said if we move forward he had no problem with it. The Town Board was open to moving ahead. Fred Zimmer stated if you need someone to sign the plans he will stamp them.

### **3a. Zoning Issue**

Myles Putman – Planning Advisor to the Planning Board had several items to discuss with the Town Board. He gave a brief description for the proposed zoning map amendment for the Esopus Farm project as well as the ENB SEQRA Notice Publication Form describing a Negative Declaration for the Esopus Farms Resort Hotel.

Myles Putman explained that last week the Planning Board made a decision on Esopus Farms with a declaration of No Impact. Esopus Farms will expand a bar and restaurant in a separate building. It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies or research or investigations.

The ENB SEQRA will have a Negative Declaration – Type 1 described as follows:

“Change of use of warehouse site and abutting one family residential site into a resort hotel and bar/restaurant; subject to approval of special use permits approval under Chapter 123 of the Town of Esopus Town Code, “Zoning and a lot line adjustment to redefine 2 existing parcels, of 143 acres and 10.09 acres, into two lots of 68.25 acres and 84.8 acres, subject to approval under Chapter 107 of the Town of Esopus Town Code, “Subdivision of Land,” with a 68.25 acre parcel to encompass the proposed resort hotel and bar/restaurant. A total of 63 guest rooms are proposed. The hotel and bar/restaurant facilities will be open to the general public. The use of certain on-site amenities, such as the day spa, (the pool) and the small outdoor tent/yurt area, is to be restricted to registered hotel

guests. The hotel will also include banquet and meeting space. A total of 23,280 square feet of new building floor space will be constructed. Parking will be provided for 357 vehicles. An on-site central water supply and wastewater treatment plant will be developed. Site disturbance has been calculated to affect just under 20 acres; and the amount of post-development impervious surfaces will total 2.4 acres. Post-development storm water flows will be attenuated through the use of a variety of storm water management techniques. " The project address is 1398 & 1466 Broadway situated between the Hamlets of Esopus and West Park, Town of Esopus, Ulster County, New York.

The spa, camping facilities and pool are to be used by hotel residents only. This project will encompass a large block of land that abuts the commercial district on the south. The cemetery property will remain the same and protective measures will be made giving a better buffer and trying to keep construction activities down to a minimum if there is a funeral. Myles Putman closing the SEQRA project has started a new SEQRA on four properties. We have had FOIL requests regarding this project from an undeclared client and there could be an Article 78. Our attorney is working on this for there seems to be environmental concerns. Their attorney making the FOIL request is from the Syracuse area. Any zoning change could bring out people to a Public Hearing.

Supervisor Coutant said we need to move forward. However, Myles Putman said there is an eighteen to two year building out so we may want to move more slowly. Operating a Day Spa and gift shops are a zoning concern. These items are not listed in our building perimeters. Our Attorney Paul Kellar said we have to balance our present Master Plan dated 1993 with what has changed since the plan was passed and with what has not changed. The Supervisor asked if adding to our zoning would be acceptable. Myles Putman said if it is specific to a property it would not fly. Councilperson Kyle Barnett asked what is the conflict with our Master Plan?

1. Location of commercial access along the Route 9W corridor.
2. The historic plan has been used for similar projects and the Town Board must show this was taken into consideration. It is not the decision itself, it is based on how the decision was made. Is it technically correct?

One thing Attorney Paul Kellar pointed out is you can have a hearing and get new facts and this is how we responded in 1993 and now this is how we respond in 2013. Councilperson Wayne Freer can anticipate more pros than cons. Amending Section 123-K Item #6 and adding accessories to our Code which were not added previously would be more timely than changing our zoning. When our zoning was originally enacted these amenities were not available.

### **3b. Riverview**

The PUD used at Riverview split the commercial site on Broadway allowing for a commercial one story restaurant. A developer has requested new two story town houses be built on this commercial portion of the PUD. This could only be done with a text-amendment to the PUD, however, in the original PUD the commercial area could not obstruct or destroy the river view. It is a beautiful view.

#### **4. Dick Williams Drive – Storm-water Drainage Problem**

The Town was asked to look at the drainage on the south side of Dick Williams Lane. We followed the description of the map filed with the Planning Board when The Birchez was developed. The property owner on the south side of the road is Brenda Patenall and as the storm water came down on her property it would go into the drainage pipe where it ran into the catch basin. Ms. Patenall put in another driveway between the existing driveway and the ditch. She took the rocks away from the catch basin which then undermined the road as the water goes into the river. We are responsible for the storm-water contamination. Building Inspector Tim Keefe placed a Stop Work Order on the Patenall property. The road must be brought back to the specifications laid out by the Planning Board. Mac Courtney, Esq. is representing Brenda Patenall and he is having them correct the problem. Mac Courtney will meet with the Building Inspector to resolve the problem. Highway Supt. Mike Cafaldo should be contacted about the driveway.

#### **5. Tilden Street – Drainage Problem**

Chad Gomez lives on Tilden Street and he contacted the Supervisor, during a rain storm, about water overflowing the drainage ditch, going over the berm, and accumulating one quarter inch from his front door. The storm water was definitely going over the storm-drain because it was blocked and our Highway men cleaned it out. They constructed a higher berm and put in a second catch basin. Going back toward Port Ewen there was another catch basin where the water bypassed the catch basin. The Highway Department fixed it.

On William White Road by the Pascaretti property, where we had problems three years ago, we are experiencing them again. We have a right of way across that piece of property and we can fix the situation. Highway Supt. Mike Cafaldo was going there to see how we can fix the problem.

#### **6. Assessor's applications**

The Supervisor asked the Town Board Members to review the Assessor's applications and decide on an interview night. We need to hire a new Assessor by October 1<sup>st</sup>, however, Councilperson Gloria VanVliet reminded everyone New York State has to review and approve our choice before the appointment is made.

#### **7. Wayne Freer – Budget Program**

Councilperson Wayne Freer had phone calls with several people from Harris Computer Products. Harris is based in Niagara Falls. They are familiar with New York State rules and regulations. Bottom line the major portion of the problems we have are with training on the system. The system does have more capabilities than what we are currently using. At this time we have only one module with our system. We could purchase a device to read our water meters and place it in our system and this could be cost efficient. Councilperson Freer will find out from Port Ewen Water/Sewer Superintendent Don Kiernan if the system is compatible?

Councilperson Freer continued....the cost for one half day training is \$500. This is for four hours to teach how to utilize our system we already have. They will teach the individuals how to enter the system or we could make the changes we need and they will do this. They charge by the hour. We suggested as we have a training session more than one person should attend and learn the system with alternatives and backups. Deputy Clerk Holly Netter said she has had no problems dealing with Harris. Those attending the training session should be Deb Kain, Holly Netter and the Department heads. The Town Board agreed on the training.

#### **8a. Certificate of Designation of Notice of Claim (Dept. of State)**

There is a resolution from the State of New York Department of State changing Municipal Law 53 permitting notices of claim against public corporations to be served on the New York Secretary of State. As a town, we are required to file a Certificate of Designation of Notice of Claim with the New York Dept. of State, designating the New York Secretary of State as our agent for service of notices of claim. Persons serving a notice of claim on the Secretary of State will be charged a \$250 service fee. Half of the service fee will be retained by the Dept. of State while the other half will be provided to the town. If this Certificate of Designation of Notice of Claim is not received the state will receive the \$250 and the town will not receive anything.

#### **8b. Micro-burst – Tree down**

The recent “Micro-burst” storm with hail and high winds caused a tree on West Stout and Bayard Street to uproot at tree, along with a portion of the road and it fell on a house. The house-owner gave us a letter and an estimate for the repair. The letter was sent to our insurance carrier NYMIR. They will respond.

#### **9. Tree Removal Estimates – Gerard St., Connelly**

There is a tree on the property above Certified Marina on our right of way. This tree hanging over the marina building is in a precarious position. Our Highway Supt. Mike Cafaldo said the tree must come down. We have received three prices from contractors interested in removing the tree for \$800, \$945 and \$800. The Town Board Members will inspect the tree prior to its removal.

#### **10. Miscellaneous Items Discussed**

- a. Building Inspector is on vacation.
- b. Batteries for generator are needed for next inspection. Prices quoted too expensive. Supervisor can get them for less.
- c. Traveling team for softball wants to use Ross Park. Even though this is not an Esopus team, several members of the team are Esopus residents. No charge.
- d. Drainage letter is necessary for Certified Marina because cable wire and phone wire are in a pipe within the drain and there was debris which could cause a fire. Certified needs to fix this.

**A Motion to adjourn was made by Councilperson Wayne Freer and seconded by Councilperson Donna McAuley at 9:30 PM. All Town Board Members voted in favor. Motion Carried.**

**Respectfully submitted,**

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