

**TOWN BOARD WORKSHOP MEETING
AUGUST 13, 2013**

A regularly scheduled Workshop Meeting of the Town of Esopus Town Board was held on Tuesday, August 13, 2013 at 7:30 PM in the Town Hall 284 Broadway Port Ewen, N. Y. 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

Guests: **Fred Zimmer – Planning Board
Randolph Horner – Solar System Advisory
Diane Dintruff – Environmental Board
Margery Groton – Scenic Hudson Representative**

Public Comment:

Fred Zimmer – a member of our Town of Esopus Planning Board came to discuss a case before the Town Board. The VanVelsen's own property across from the Headless Horseman Hayrides. They are before the Planning Board for a Special Use Permit to operate a Bed & Breakfast or a Tourist Home. They do not qualify for a Bed and Breakfast because they do not live in the home and as a result they are applying for a Special Use Permit for a tourist home. The only difference between the Bed and Breakfast and the Tourist Home is they cannot serve breakfast as a Tourist Home.

Due to the fact the home is located 170 feet from the road, they need a Zoning Variance. Fred Zimmer said the VanVelsen's have been trying to do everything exactly right. They came in and they did the landscaping and they got a driveway permit and the NYS DOT says they have to pave the driveway entrance....that is done. After each of these conditions were mentioned....it took three months to comply and come back before the Planning Board. At one point, they waited another three months for the blacktopping plant to open. This is the busy season for a Tourist Home. They have already turned away people who wanted to come to their home from Finland. Fred Zimmer asked if we could give the VanVelsen's a Special Use Permit because of the lot being 170 feet from the road instead of 200 feet? They have already lost ¾ of the summer. There should be some kind of mechanism to grant a Temporary Special Use Permit. They will now lose the Dutchess County Fair. Fred was asked if this was the consensus of the entire Planning Board and he answered yes.

Councilperson Gloria VanVliet said the decision has not been made by the Zoning Board of Appeals. Fred Zimmer argued this Board has had sixty days to make a decision. There should be some way or some person that could issue a temporary permit. Supervisor Coutant asked what kind of mechanism could we do? Councilperson Kyle Barnett posed the question suppose someone gets the temporary

permit and they do not do it properly? A lawsuit could be incurred. The VanVelson's were not educated on how the process works and Fred Zimmer agreed saying this was unfortunate. Supervisor Coutant asked what kind of action would you determine as necessary? We are dealing with the state law. There is a sixty day time limit....do you want to shorten the time limit? Fred Zimmer said we all get caught up in the bureaucracy Councilperson Barnett said there is nothing we can do. Councilperson Gloria VanVliet said the Zoning Board of Appeals can be helped by Planning Board Consultant Myles Putman and he can explain what can be done and give them guidance. Why didn't the Zoning Board make a decision after the public hearing? Fred Zimmer complained the process is somewhat complicated for someone who has not been through the procedure before. Councilperson Kyle Barnett asked if the Planning Board could give a conditional permit subject to the Zoning Board of Appeals approval. Supervisor Coutant believes two calls need to be made to Myles and to Joe Guido to move this process along. Fred Zimmer said the problem is the bureaucracy. The Supervisor, Fred Zimmer and Myles will talk on Wednesday.

1. Scenic Hudson – Margery Groton

Margery Groton is a representative from Scenic Hudson and she came at the request of the Town Board to ask for their support of a grant for which they are applying. The Town Board had a few questions regarding the grant for access along River Road. What are you actually going to do with the property and how much money are you asking for?

Ms. Groton laid out a survey map prepared for the Scenic Hudson Land Trust, Inc. by Silver Realty, LLC and gave a copy of the map to the Town. Scenic Hudson acquired the Esopus Lakes property except for the land along Rt. 9W explained Ms. Groton and they do not have a hard and fast plan because they wanted to talk about the communities views. The application for the grant was due yesterday and the contract will not take place until early spring. We are working on a conceptual plan. The grant will not be awarded until December.

A lot needs to be done to the property. There are a number of buildings and some are collapsed. There are thirty eight buildings and asbestos has to be removed from ten demolished. We would like demolition to occur before winter. We would like to hold a workshop to discuss ideas. We are applying for funding to do the following.

- There is a driveway erosion problem and there are drainage problems. To make this a functional trail serious drainage problems have to be resolved.
- We need to improve the trails. We have wonderful views across the river with benches for the public to enjoy the view.
- We will do the engineering and design work.
- In the cost of the grant we have factored in stabilization, development costs and SEQRA reviews, engineering assessment of the shale wall and the driveway.
- Design of a gazebo
- Construction of parking.
- Retaining walls, excavation of some of the macadam and topcoat to stabilize.
- Clearing and pruning of trees
- Improvement of the entrance and construction of one and one half mile of trails.

- Entry signs and kiosk.

Please remember this is just a conceptual plan.

Supervisor Coutant asked when you come into the two side poles by the driveway where the two columns are located with a chain across, there is a fifteen foot drain and it goes into a culvert for parking....this is not stable ground. The water must drain. If you pave the road next to the house where will you direct the water that drains all the time? The whole hill has slid. Ms. Groton said this is all part of the engineering study. Supervisor Coutant said we are looking at a boundary survey and it will not show the ground water. Fred Zimmer said the stabilization of this property is key. Ms. Groton said she is not an engineer and she will rely on their professional engineer. The town will need a site plan permit and an environmental review. Councilperson Freer said a slope study and the drainage will be presented to the Planning Board. How much are you asking from the State for this grant? We are asking \$348,000 which is a matching grant equaling \$700,000.

DEC is interested in doing a feasibility study on the lakes. Improvement of the road is not in the plans for it will cost one half million dollars. We have a sample of the resolution you request and we will be prepared for Thursday's Town Board Meeting. Councilperson Donna McAuley thanked Ms. Groton for coming. Councilperson Gloria VanVliet reminded Ms. Groton a demolition permit will be necessary. Scenic Hudson will be going in to see our Building Inspector.

2. Randolph Horner – Solar Project

The future of our large scale solar project at the Transfer Station depends on the right of the new vendor to access NYSERDA Performance Incentives. We have complete approval for the interconnection of Central Hudson to our source. I believe we do not need to bid over to get another vendor. The company we were previously with is no longer in the picture. The new company has presented us with competitive prices.

In the procurement process, the vendor agreed to give \$100,000 to the town and see the project through from start to finish. We now want Onforce Solar to bid for the town. If they get the subsidy they will meet with Attorney Paul Kellar for his review. After the award is given in October or November they would reasonably expect for us to follow through if the proposed power purchase agreement meets with the Town Board approval. The bid will be for the amount of the subsidy. All of the bids are now project specific. You are now paying \$.12 to \$.13 per KWH and you will be paying \$.10 to \$.13 per KWH. The resolution I would ask you to pass would appoint Onforce Solar as our expected vendor. They will discuss the project with Randolph Horner as the town representative and when the awards come from NYSERDA then we would seek to finalize the Power Purchase Agreement so that Onforce Solar could make the investments in our project with its' own capital. This grant involves State of New York Funds for our landfill project.

On a separate issue Randolph Horner submitted a proposed Letter of Intent for \$45,000 of FEMA funds to make it possible to use the Town Hall Solar Array for emergency power whenever possible before needing to turn on the generator. The FEMA grant is a place holder for our solar here at the Town Hall and can be adapted so our backup generator would only come on if the grid was down and the grant is sponsored by FEMA. With regard to the State, the Performance Incentive Grant is the only thing that allows us to get solar for less than at the market rate.

We face an interconnection charge of \$189,000 for our project expense at the Transfer Station. In New Paltz, the project interconnection rate is \$420,000. Esopus is the first town to get interconnection approval. Randolph Horner will write an agreement that will authorize Onforce Solar to work with the town to place a bid. This will be the incentive to lower the rates. What this does is insulate the town over the next twenty years. Randolph proposes this vendor will use American made modules. He hopes they will use the local modules even though they are more expensive. The point is Randolph professionally believes that a glass module will benefit the town for the next twenty years. After twenty years this community will have a module that he believes will last fifty years but after twenty years of the contract with Onforce Solar we will get into the bonus years. This resolution, when passed, only means the contractor will not have wasted their time. We are finally poised.

Randolph is putting pressure on Real Good First Solar for twelve additional actuators for our revolving solar panels at the Town Hall. The project at the Transfer Station will begin in 2014.

3. Don Kiernan's Agreement

Supt. Don Kiernan is requesting a renewal of his present two year agreement with the Town. The Town Board did not have a problem with the renewal and it will be discussed at the Thursday, Town Board Meeting.

4. Tree – Certified Marina

Councilperson Gloria VanVliet had no objections to taking the tree down above Certified Marina but she did object to this being done before Certified fixes the problem with the wires in the Town drainage ditch. Letters have been written asking them to comply. Supervisor Coutant believes the tree should be taken down first since it is a liability to the town. We will ask Highway Supt. Michael Cafaldo if this is an emergency? The Supervisor has not had a chance to talk with Sharon Jones about this matter since this is Certified Marina's busy season.

5. Vandalism at Ross Park

A steel door and steel frame at a bathroom in Ross Park pavilion has been pulled out. There were no functions this weekend at the park and there is no report to the Ulster County Sheriff of anything happening at the pavilion. It will cost \$1,200 to replace the door and frame and we have a \$1,000 deductible on our insurance. Dan Vedder will get an estimate on the door. If the Ulster County Sheriff finds someone to admit to the problem the door will be paid for.

6. Tekcon- Air Conditioning/Heating Maintenance Agreement

We need a vote to approve Tekcon to repair the air conditioning in the Tax Collectors Office. It will be brought up at the Town Board Meeting.

7. Peak Power – Bi-annual System Checkup Renewal

Peak Power recommended our batteries on the generator be replaced and they gave us a bid. We will ask the mechanic at the Town Garage to look at the generator and have him contact a company dealing with batteries to obtain a cheaper price and replace the batteries.

8. Ribbon Cutting Ceremony – Birchez

The Town Board has been invited to Birchez for the ribbon cutting ceremony for their craft room at 1 PM on Thursday, August 15th, 2013.

9. Town will host Rabies Clinic

On October 5th the Town of Esopus will host a Rabies Clinic outside the Community Room from 10 AM to 1 PM. Dr. Bridget Bloom will offer her services for a \$10 fee for rabies and \$15 for distemper.

10. Riverview Notice of Petition

Our Attorney Paul Kellar has advised us to hire David Murphy, Esq. from Latham to represent us since Paul Kellar had to disqualify himself due to client associations. Councilperson Kyle Barnett contacted Attorney Murphy and his fee is \$250 per hour. Councilperson Barnett will call Paul Kellar to ask for an extension of time and he will investigate other attorney options but questioned if we should pay the fee for the expertise in this matter.

11. Structural Failure on House in Sleightsburgh

Councilperson Wayne Freer explained on Monday night, in the early evening, a gentlemen fell thru the floor into a basement area at 396 Third Avenue and the building is being posted. The building may have been posted ten or fifteen years ago. The beams in the floor are tilted. The building is not boarded up. This can be placed on our list for demolition. This is a big house with two and one half stories. Supervisor Coutant asked if we could board up the place? Councilperson Freer said it could be boarded up because something must be done with it. The Port Ewen Fire Dept. will write a letter in reference to the matter.

12. Sue VanVliet in Sleightsburgh

A surveyor has been to Sleightsburgh to survey a landlocked piece of property on the Rondout Creek. Deputy Clerk Holly Netter said the man wants to build docks so he and his father can come by water and stay overnight. He has approached the Planning Board at a pre-submission conference. Councilperson Gloria VanVliet said there are sunken barges at this location. Supervisor Coutant said there were town docks many years ago. The man says this is an historic property.

13. Assessor Resolution is ready

A vote will be taken on Thursday at the Town Board Meeting to appoint JoAnna Mignone to the position of Assessor when Assessor Dan Terpening resigns. The amount of the salary will be \$40,000. A vote will be taken at our next Town Board Meeting.

14. 911 Problem on Old Post Road

Linda Karkowski lives on Old Post and five people were asked to change their addresses to be in compliance with 911. Her neighbor will not change even after being asked in several letters from the Assessor, the 911 people have gone to talk with the man but to no avail. Ms. Karkowski is very upset about this since she is alone and her children are worried. Councilperson Barnett will look into this situation. Councilperson Freer believes she should check her line by calling 911 business line and finding out what her number is.

A MOTION TO ADJOURN THE MEETING AT 9:15 PM WAS MADE BY COUNCILPERSON KYLE BARNETT AND SECONDED BY COUNCILPERSON WAYNE FREER. ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

Respectfully submitted,

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