

**Town Board Workshop Meeting
September 3, 2019**

A regularly scheduled Town Board Workshop was held on Tuesday, September 3, 2019 in the Town Hall, 284 Broadway, Ulster Park, NY with the following persons in attendance:

**Supervisor Shannon Harris
Councilperson Gloria Van Vliet
Councilperson Jared Geuss
Councilperson Kathie Quick
Councilperson Chris Farrell**

Administrative Recorder: Holly A. Netter, Town Clerk, RMC

A MOTION TO OPEN THE REGULARLY SCHEDULED TOWN BOARD MEETING WAS MADE BY SUPERVISOR HARRIS AT 7:35 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

****A PUBLIC HEARING WAS HELD AT 7:00 PM PRIOR TO THE WORKSHOP****

PUBLIC COMMENT

Diane Hull, First Street Connelly reported having a problem with the noise from Rondout Yacht Club. She had called the Sheriff's and when they responded they said it is only 7:30 pm so nothing could be done. The noise from the yacht club continues to disturb the peace anywhere from 7pm – midnight when they have a party. She recommends the Board to establish a noise ordinance to help alleviate the problem.

Councilperson Geuss asked how often it happens. The response was at least once a weekend and has been happening for the last few weeks. Item 4 on tonight's agenda deals with establishing a zoning taskforce as we start to work on the zoning updates for the master plan. Mrs. Hull asked why it takes so long to put it in place. A noise ordinance needs to be addressed through a local law which will take some time and a public hearing will need to be held for any changes to the code.

Councilperson Van Vliet said the noise ordinance matter had been previously brought up before prior Boards and it is difficult; measurements of the disables of sound and level of disturbance needs to be determined. Resident Mike Mulligan said there are apps that can be downloaded for measuring disables.

She also commented that ATV's have been flying down 1st street. Many children play in that area and they ride at night with no lights on the vehicles.

Don Carragher, Rt 213 St. Remy said some towns in the area have started a taskforce to investigate Airbnb legislation and permitting controls because they include noise ordinances, violations and uses of private property. He asked if Esopus is addressing those issues. Supervisor Harris said the Town has discussed requiring inspections of the Airbnbs. The Zoning Taskforce will look at a comprehensive update to the zoning code to address them. According to Councilperson Jared Geuss, the County is also working on a blanket coverage that we may be able to join in on.

RESOLUTION AND ORDER AFTER PUBLIC HEARING
APPROVING A WATER TREATMENT AND DISTRIBUTION IMPROVEMENT PROJECT FOR
PORT EWEN WATER DISTRICT IN THE TOWN OF ESOPUS, IN THE COUNTY OF ULSTER,
STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW

WHEREAS, the Town Board of the Town of Esopus (herein called "Town Board" and "Town"), respectively, in the County of Ulster, New York, on behalf of the Port Ewen Water District, in the Town (herein called "District"), requested T&B Engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer") to prepare an engineer's report for the improvement of facilities of the District, consisting of water treatment plant improvements and installation of new water mains to replace existing distribution lines, including original furnishings, equipment, machinery and apparatus required therefore, described as Alternative 2 in the "Drinking Water Infrastructure Capital Improvement Plan" for Port Ewen Water District prepared by the Engineer dated August 2019. Pursuant to the direction of the Town Board, the Engineer has completed and filed with the Town Board such engineer's report for the increase and improvement of facilities of the District; and the Engineer has estimated the total cost thereof not to exceed \$4,274,000;

WHEREAS, the Engineer completed such engineer's report and filed the same with the Town Board, and the Town Board thereafter adopted an order describing in general terms the proposed improvement of facilities, specifying the estimated total cost thereof and stating that the Town Board would meet to hear all persons interested in said improvement of facilities on September 3, 2019 at 7:00 p.m. (Prevailing Time) at the Town Hall in the Town; and

WHEREAS, notice of such order was published and posted pursuant to the provisions of 202-b of the Town Law; and

WHEREAS, such Public Hearing was duly held by the Town Board on this 3rd day of September, 2019 at 7:00 p.m. (Prevailing Time) at the Town Hall in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said improvement of the facilities; and

WHEREAS, it has been determined that the aforesaid purpose constitutes a Type II Action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Esopus as follows: 1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to improve the facilities of the District as hereinabove described and referred to at the estimated total cost of \$4,274,000. 2. It is hereby ordered that the facilities of the District shall be so improved. 3. Definite plans, specifications, and a careful estimate of the expense of the improvement are hereby directed to be prepared and the Attorneys for the Town are hereby directed to assist in the preparation of a proposed contract and to submit the same to this Town Board for examination and approval. 4. This Resolution shall take effect immediately.

Resolution offered by: Supervisor Shannon Harris
Seconded by: Councilperson Chris Farrell

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

Supervisor Shannon Harris	Voting AYE
Councilperson Gloria Van Vliet	Voting Abstain
Councilperson Jared Geuss	Voting AYE
Councilperson Kathie Quick	Voting AYE
Councilperson Chris Farrell	Voting AYE

The foregoing resolution was thereupon declared duly adopted upon a vote of 4 Aye, 1 Abstain.

BOND RESOLUTION DATED SEPTEMBER 3, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,274,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A WATER TREATMENT AND DISTRIBUTION IMPROVEMENT PROJECT FOR PORT EWEN WATER DISTRICT IN THE TOWN OF ESOPUS, NEW YORK, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of Esopus, Ulster County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. Water treatment plant improvements and installation of new water mains to replace existing distribution lines, including original furnishings, equipment, machinery and apparatus required therefor, is hereby authorized at an estimated maximum cost of \$4,274,000, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years from the original date of issuance of such obligation.

SECTION 4. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$4,274,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively

become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, and the power to issue bonds as statutory installment bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The Supervisor is further authorized, in her discretion, to execute a note purchase agreement, project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by a serial bond and/or bond anticipation note issue of the Town and the sale of such issue or issues to the New York State Environmental Facilities Corporation or its designee.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Daily Freeman, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 13. This resolution shall take effect immediately.

Resolution offered by: Supervisor Shannon Harris
Seconded by: Councilperson Chris Farrell

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

Supervisor Shannon Harris	Voting AYE
Councilperson Gloria Van Vliet	Voting NO
Councilperson Jared Geuss	Voting AYE
Councilperson Kathie Quick	Voting AYE
Councilperson Chris Farrell	Voting AYE

The foregoing resolution was thereupon declared duly adopted with a vote of 1 Aye, 1 No.

Councilperson Van Vliet said she is voting no because a bond resolution is in effect, legal and binding so at any point in time we could spend the \$4,274,000 even if we don't get the grant. There is nothing in the resolution stating we will not go ahead if we do not get the funding.

Councilperson Jared Geuss said it is an investment in our town. In the Comprehensive Plan and everywhere we look, people want economic development. If we are not investing in our infrastructure we are not going to attract developers or economic drivers. Our water district is prime real estate for those applicants. We need to take care of what we can to bring the taxes in to offset cost for a lot of our residents. Looking long term we have purchased the water tank which can be expanded should the district expand in the future.

Kathie Quick, seconded everything Jared said. One of the first questions developers ask when they come into town is about the water quality. It is very important if we want to move forward with the economic development of our town.

Chris Farrell said when he campaigned one of the primary concerns of the residents in the water district was they needed improvement to the water system. He said he believes you are not going to attract business to the town unless you have a robust water system.

BRINNIER & LARIOS AMENDED CONTRACT

The contract with Brinnier & Larios was originally approved without ownership of the property for the water tank therefore an update to the contract is needed. The amount needs to be amended from \$157,000 - \$180,000. Don Kiernan said Brinnier & Larios has done a lot of additional work over the past few months which was not in the original contract. Erin Moore said she felt this was a fair price for the scope of work.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO AUTHORIZE SUPERVISOR HARRIS TO SIGN THE AMENDED CONTRACT WITH BRINNIER & LARIOS FOR THE REVISION TO THE SCOPE OF WORK IN THE AMOUNT OF \$180,000. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

LOCAL LAW UPDATES

The draft updates for the following local laws were discussed.

Chapter 98 – Park Rules and Regulations TABLED

Miscommunication the attorney should have addressed illegal dumping throughout the town not just parks- item was tabled until a new draft can be obtained.

Chapter 101 – Rental property registration and inspection,
Councilperson Geuss had a few issues with this law and he was not finished reviewing it.

Chapter 123-10, 13, 61 – Commercial event venues including an update to the land use table,

Chapter 123-26 – Expedited due process for enforcement and penalties for offenses, and

Chapter 123-61 – Amendment to add the definition of a family.

Councilperson Jared Geuss had a few issues with a few of the draft laws. He will work with Attorney Kyle Barnett to change verbiage which will satisfy all parties prior to next meeting

Once the revisions are made the Town Board can introduce the laws, make a resolution to schedule a public hearing 45+ days out to allow time for the Esopus Planning Board and UC Planning Board to review the laws; this will expedite the process.

Councilperson Farrell said why couldn't we have a draft Local Law by the next meeting to address the Noise Ordinance? Supervisor Harris said they had discussed the idea when they were working on the Comprehensive Plan and the business owners had many objections that it would harm their business. Laws were pulled from successful towns such as Saugerties,

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Rhinebeck, all different areas. All towns are different, so they have to really break the law down. It became very complex and the comprehensive plan committee decided it should be looked into by the Zoning Taskforce who can make recommendations to the Board. Chris Farrell commented that he hopes when the taskforce looks at it they have a balance of quality of life vs. business opportunities to meet the needs of everyone.

ESTABLISHMENT OF ZONING TASKFORCE

The Board discussed membership and the schedule for the zoning update process. A motion to create the ad hoc committee will need to be made at a future meeting.

TRANSFER STATION

The Transfer Station has new Sunday Hours from 1-3 PM but they are not attracting customers. Supervisor Harris asked if we should consider ending Sunday program early if revenue trends under \$300 continue to occur. The Board will continue the trial hours through the month of September and will continue to get updates on the usage. Chris Farrell suggested getting the Boy Scouts to distribute flyers with the Transfer Station information and Sunday hours at the Family Movie Night at Ross Park on September 28th.

9W LANDSCAPING.

NYS DOT will replace unhealthy tree species on Broadway in Port Ewen in Spring 2020.

RECKLESS ATV ACTIVITY

Legal and law enforcement guidance regarding recent ATV sightings and collisions was distributed to the Board. A copy of McKinney's Vehicle and Traffic Law section 2403 and 2405 was provided to the Board. If someone sees illegal activity they should video it and report it to the Sheriffs' Department.

REPLACING LIGHT AT CHURCH HILL & RT 213 IN RIFTON

A resident requested the light to be put back on pole #122323 in Rifton on the intersection of Route 213 and Church Hill Road. Councilperson Chris Farrell asked if it was possibly a private light and the owner no longer wanted it. A history of the pole is needed to find out whether the pole is customer or company owned prior to the Board making a decision.

UPCOMING EVENTS:

Thu, **Sep 5** – Open Town Board budget workshop meeting starts at 9:00 AM at Town Hall.

Tue, **Sep 10** – Heavenly Valley residents special drainage meeting at 5:00 PM at Town Hall.

Tue, **Sep 17**, 7:30 PM – Town Board Meeting (televised on Channel 23).

Thu, **Sep 19**, 7 PM – Sexual Harassment Training option #1 NYS municipal required classroom training.

Fri, **Sep 20**, 9 AM – Sexual Harassment Training option #2 for those who could not make Thursday's class.

Wed, **Sep 25** – Kick off Zoning Update Taskforce at 4:30 PM. Also, Esopus Riverfront Access Study group meets at 7 PM, Esopus Town Hall.

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Fri, **Sep 27** – Sun, **Sep 29** – Esopus Library Fall Book Sale: Friday 4-7 PM, Saturday 9-4 PM, Sunday 9-4 PM. Sunday is \$4 bag day, fill up a bag with books and only pay \$4.

Sat, **Sep 28**, 8 AM – Esopus Apple Festival and community town-wide yard sale until 4 PM.

Sat, **Sep 28**, 4 PM – Family Fun Night at Ross Park after the Apple Festival.

Tue, **Oct 1**, 6:30 PM – Town Board Workshop preceded by forum with County Executive Pat Ryan.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO ENTER INTO EXECUTIVE SESSION AT 8:53 PM FOR THE PURPOSE OF DISCUSSING THE EMPLOYMENT HISTORY OF A PARTICULAR INDIVIDUAL, A POTENTIAL LITIGATION MATTER AND TO INTERVIEW A POTENTIAL CANDIDATE FOR THE SEASONAL MAINTENANCE WORKER VACANCY. HIGHWAY SUPERINTENDENT MIKE CAFALDO WAS INVITED INTO THE EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL AT 9:00 PM TO COME OUT OF EXECUTIVE SESSION. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

NO ACTION WAS TAKEN ON THE LITIGATION MATTER.

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO TERMINATE EMPLOYEE # 25 FOR NOT MAINTAINING THE NECESSARY LICENSING FOR THE POSITION EFFECTIVE CLOSE OF BUSINESS FRIDAY SEPTEMBER 6TH. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR, MOTION CARRIED.

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPOINT JOHN MALONEY TO THE POSITION OF SEASONAL MAINTENANCE WORKER FOR THE BUILDINGS AND GROUNDS POSITION AT A RATE OF \$15 PER HOUR APPROXIMATELY 40 HOURS PER WEEK CONTINGENT ON A BACKGROUND CHECK. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. THE POSITION IS SUBJECT TO A 90 DAY PROBATION PERIOD. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO ADJOURN THE MEETING AT 9:36 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively submitted,

Holly A. Netter
Town Clerk, RMC