

**TOWN OF ESOPUS  
TOWN BOARD WORKSHOP  
November 4, 2021 7:00 PM**

A regularly scheduled Town Board Meeting was held on November 4, 2021 in person at 1 Town Hall Way, Ulster Park immediately following public hearings on Proposed Local Laws 13 OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES. Meeting was also available on TV 23, available via zoom and Live Streamed on the Town of Esopus Facebook page. The following persons in attendance:

**Councilman Laura Robinson  
Councilman Evelyn Clarke  
Councilman Kathie Quick  
Councilman Chris Farrell  
Supervisor Jared Guess**

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

**5 WAYS TO GIVE PUBLIC COMMENT:**

1. In-Person – Attend the Workshop
2. ZOOM – Use the “Raise Hand” feature in Zoom (dial \*9 if connected by phone)
3. PHONE IN –Leave a voicemail on [\(845\) 328-0483](tel:8453280483)
4. EMAIL - [outreach@esopus.com](mailto:outreach@esopus.com) with the subject line “Public Comment”
5. MAIL – mail written comments to:  
*Town of Esopus, P.O. Box 700  
Port Ewen, NY 12466*

Proposed Local Law 13 was introduced on October 7, 2021 and Noticed in the Daily Freeman on October 17, 2021, 2021. Public hearing was held today at 7 pm and was held open to be continued on November 18, 2021 at 7 pm. A copy of the law was available for review at [www.esopus.com](http://www.esopus.com)

**PLEDGE TO THE FLAG**

**SUPERVISOR JARED GEUSS MADE A MOTION TO OPEN THE REGULARLY SCHEDULED MEETING. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**PUBLIC COMMENT:**

**Joell Bailer Poppletown Rd.** said she was here to address accusations as well as some concerns around the newly proposed Noise Ordinance. She and her husband are hard working professionals who are trying to live peacefully as they develop their property. They value nature

and the beauty of their property. They have been working very hard to clear and prep the land themselves in order to build their dream home. They have been faced with opposition from two neighbors since they purchased the property and their efforts to develop the property have been twisted and grossly exaggerated in public forum. This has turned into such a tale, when each time these neighbors speak in a public forum, they add more inaccuracies and unfounded claims which has forced her and her husband to come forward to defend themselves as property owners. The utility vehicles they own are used to garden, mow, haul materials and tools to different parts of the property that they intend to utilize in the future. With the new proposed revision to the noise ordinance, it will empower people like this to call the police whenever they want. They are there on the weekend to develop and prepare to build. We use equipment tools and vehicles that all have proper documentation, registration, inspection and insurance. They operate within the current noise ordinance hours, and it is still a problem for them. We are gardening, cutting down dead trees, lawn care and maintenance, and planting fruit trees, all within our rights as property owners. This wild vehicle use is a fabrication of two disgruntled neighbors who have taken it upon themselves to infringe on the rights of property owners in a rural setting by proposing to create vague and subjective noise standards. This will also take away valuable time from the police and code enforcement officer to deal with petty noise issues. She kindly asked the board to consider this information while deliberating the changes. Accusations that are driving the newly proposed noise ordinance are based on gross exaggerations and hearsay and came from discontent rather than the truth.

**Shamous Leary, Popletown Rd.,** officer in West Esopus landowners. He has lived here since 1973 and has a good feel for what goes on up on the mountain. It is rural nature. One of the reasons why he continues to live there is the rural nature of Esopus. He said one of the things he finds appealing is the light touch of local government; one of these things is a noise ordinance. We all try to be considerate. There are times you have to use machines to clear land, people have animals that make noise. Although you try to be respectful chickens and roosters make noise. That noise is louder than 65 decibels. He does not necessarily oppose looking at how we can be better neighbors, helpful and kind but he wants to caution entering into any over regulation that would cause potential complications in our neighborhoods at a later date. Involving outside agencies and taking away from their critical tasks to investigate some machinery being used that may or not meet some type of arbitrary standard, would just cause more problems than it really should.

**Alfred Mainetti** Attorney, He stressed to the Board the difficulty of enforcing a noise ordinance. As an attorney we represent clients in other townships with these problems. There must be a reading, you have to have a police officer there at the time. He expressed concerns of increasing the present noise ordinance by adding restrictions and decibel reading. There was a suggestion that the town would need to purchase the decibel meter and provide a meter to the sheriff's department. There is also the extra expense in prosecuting the noise ordinance with any disputes. He asked the board to take these thoughts into consideration and leave the noise as is.

**Jessica Smith**, agreed that it is ridiculous that a handful of people are wasting the town boards time to create a law because there are disconcerted neighbors that don't like what one person is doing to their property; its absurd. To talk about purchasing a decibel reader and donating one to the police is just crazy. Does the town have the capacity to sit down with neighbors that are not getting along and mediate the dispute? The amount of time the board has taken to talk about one person because a neighbor is ticked off is absurd. She said she is sorry that that is happening to the Board.

Councilman Quick said we had a law before. Jessica Smith - but to make further restrictions because people are ticked off is crazy. Councilman Chris Farrell asked Supervisor Geuss to confirm that this subject had come up through the meetings for the comprehensive plan and zoning updates from the Town. Councilman Chris Farrell said he thinks it's a misnomer that it stems from just 1 or 2 people. Supervisor confirmed that numerous residents in several hamlets had issues and that is what triggered the proposed revisions to the noise law. It was kept out of the zoning revision and handled separately because of all the public comments. It was better to handle the amendments separately rather than holding up the approval of the entire zoning code for just one section. There were so many comments for and against it and it is still a work in progress.

Councilman Quick said residents commented during the meetings on the comprehensive plan that they would like to see a noise ordinance. It was not included in the zoning update because they did not want to hold the entire zoning code up and that is why it is being addressed separately. Councilman Kathie quick said they didn't want it to be something that neighbors could use against someone they didn't like. That is the kind of abuse we want to make sure doesn't happen. That is why we are taking a much harder look at the whole situation.

Stephan Bailer said it is very subjective now. Certain people have had their attorneys write letters as part of public record making recommendations on how the law should read. This is part of the public record.

**A MOTION WAS MADE BY SUPERVISOR GEUSS TO CLOSE THE PUBLIC COMMENT. THE MOTION WAS SECONDED BY LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR.**

**Local Law #13 of 2021 – ‘Cannabis Opt-Out’ Tabled**

Public hearing was held open and will be continued on 11/18/2021 at 7pm.

**Highway Dept. Update Tabled**

Supt. Cafaldo was not available to attend the meeting.

**Laberge Group**

Discussion and potential approval of a contract amendment with Laberge Group pertaining to amending chapter 123 zoning law amendment accessory Use Campgrounds associated with Castaway Marina. Addendum for noise ordinance was not received.

Councilman Chris Farrell renewed his objection stating Castaways is not in compliance with existing law and to pursue a reexamination of the zoning when they are out of compliance is ridiculous Councilman Kathie Quick asked if that is what the judge recommended? Councilman Farrell said the judge can recommend all that he wants but it is a Town Board decision.

**A MOTION WAS MADE BY SUPERVISOR GEUSS TO APPROVE THE CONTRACT ADDENDUM NUMBER 2020080-01 TO AMEND CHAPTER 123 ZONING LAW AMENDMENT ACCESSORY USE CAMPGROUNDS ASSOCIATED WITH CASTAWAY MARINA ESTIMATED COST OF \$5,000. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**VOTE:**

|                                  |            |
|----------------------------------|------------|
| <b>COUNCILMAN LAURA ROBINSON</b> | <b>AYE</b> |
| <b>COUNCILMAN EVELYN CLARKE</b>  | <b>AYE</b> |
| <b>COUNCILMAN KATHIE QUICK</b>   | <b>AYE</b> |
| <b>COUNCILMAN CHRIS FARRELL</b>  | <b>NO</b>  |
| <b>SUPERVISOR JARED GEUSS</b>    | <b>AYE</b> |

**VOTE 4 Aye 1 No MOTION CARRIED.**

Councilman Kathie quick asked if we are forced to accept the draft LaBarge proposes? Supervisor Geuss said this will get their work scope in process. After the law is written it will be subject to a public hearing and need approval to be adopted.

**Tigue & Bond**

Supervisor Geuss gave an update, The Town has the American Rescue Money as well as the WIIA Grants that have been ongoing with water tank replacement. There are some overages on the estimations on those projects. The new water Superintendent Nick Butler and Mike Dauner had a meeting and site visit with Tigie and Bond. There are a few areas that are in worse shape and were not on the original scope. Money is available through the grant and the scope of work can be changed to include the upgrades of the control system, East Main and East Stout Water main replacement, which were not part of the original proposed scope.

Supervisor Geuss said he just wanted to make sure everyone in town knows that the Board is looking at amending the scope of work. Tigie and Bond will present and give updates to the board. The additional scope amendments were given to the board for review. There were 0-5- and 6-10-year plans. The shift in scope will allow them to prioritize and address items that are needed. Input from the Water Board as well as the Water Department will be acquired.

### **Confidential Assistant to the Town Supervisor**

The Norman Agency employee who was appointed at the last meeting decided the job was not for her leaving the position vacant.

Supervisor Geuss said he would like to appoint Supervisor Elect, Danielle Freer to the position. It will give her an opportunity to get in the office full time and to cater that position to her needs as she becomes the Supervisor.

Councilman Farrell said he thought it was an excellent idea and further recommend the Board give Danielle the opportunity to vet someone to take over as confidential secretary during her time serving in the role as confidential secretary. He thinks it will help expediate the transition in January.

**SUPERVISOR GUESS MADE THE MOTION TO HIRE DANIELLE FREER (SUPERVISOR ELECT) AS CONFIDENTIAL ASSISTANT TO THE SUPERVISOR AT A RATE OF \$18.00. START DATE 11/8/21. THE MOTION WAS SECONDED BY COUNCILPERSON FARRELL WHO AMENDED THE MOTION TO ALLOW DANNIELLE TO LOOK FOR CANDIDATES TO HELP EXPEDiate THE TRANSITION IN JANUARY. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

### **Miscellaneous**

98 Black Creek Rd looking at rezoning for GC2. They need to look at the surrounding property and see if it is consistent with comp plan. The Board would then need to amend the zoning map, conduct a SEQRA review and hold a public hearing, etc. Councilman Farrell asked what the owner's plans were for the property. Supervisor Geuss said he was looking to sell. There is a property next to it also for sale that is already zoned commercial. The question was asked what the rezone would allow; no construction yard but can be used for commercial use.

**APPOINTMENT OF REPRESENTATIVE FOR ULSTER COUNTY PLANNING BOARD.**

**A MOTION WAS MADE BY SUPERVISOR GUESS TO APPOINT ROXANNE PECORA AS REPRESENTATIVE OF THE ESOPUS PLANNING BOARD FOR THE ULSTER COUNTY PLANNING BOARD WITH FRED ZIMMER AS ALTERNATE. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR: MOTION CARRIED.**

**KINGSTON WATER SEWER BOARD**

Councilman Chris Farrell said the Water Board recommended that we see if we can get a representative from Esopus on the Kingston water sewer Board; we have a significant stake on what goes on. It will be investigated and placed on the next agenda.

**ASSESSOR ETHICS CLASS**

**A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO APPROVE SHANNON HARRIS TAKING THE “ETHICS AND THE ASSESSOR COURSE” ON NOVEMBER 12, 2021. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**BEAUTIFICATION UPDATE**

Shannon Harris stated during the comprehensive plan meetings the hamlets wanted their own identities. The Bruderhof has a sign company in Australia. They have designed and constructed signs for each of the hamlets and new town entrance signage for the north and south. Each hamlet will have an entrance and exit sign. They will be installed during the winter season. The town is grateful for the design. According to Shannon, posts and heavy metal brackets need to be purchased so the signs can be installed. Buildings and Grounds will work on a template and install the signage with help from the Highway Department as needed.

**A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO PURCHASE THE IRON POSTS AND STEEL BRACKETS NECESSARY TO HANG THE SIGNAGE. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

Councilman Evelyn Clarke asked what the plan was for the planters will they be stored for the winter? Concerns of them being damaged during the winter were expressed.

## **UPDATES**

Veterans Day Ceremony 11/11/2021 at 11 am at the Veterans memorial at Town Hall. Reception after in the community room provided by the St. Remy Reformed Church.

**Town Election Results** – Congratulations to 2022 elected officials: Danielle Freer, Town Supervisor; Kathie Quick, Town Councilwoman; Jared Geuss, Town Councilman; Laura Robinson, Town Councilwoman; Bernice McNierney, Tax Collector; and Holly Netter, Town Clerk.

## **EXECUTIVE SESSION**

**A MOTION WAS MADE BY SUPERVISOR GUESS AT 7:52 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LITIGATION REGARDING THE ASSESSOR OFFICE. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED. ASSESSOR SHANNON HARRIS WAS INVITED INTO THE SESSION.**

**A MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION BY COUNCILMAN CHRIS FARRELL AT 8:15 PM THE MOTION WAS SECONDED BY SUPERVISOR GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

### **ACTION:**

**A MOTION WAS MADE BY SUPERVISOR JARED GUESS TO APPROVE ENTERING NEGOTIATIONS WITH HUDSON VALLEY APPRAISAL PERTAINING TO ASSESSMENTS. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

## **ADJOURNMENT**

**A MOTION WAS MADE BY SUPERVISOR JARED GEUSS TO ADJOURN THE MEETING AT 8:15 PM. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.**

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