

**TOWN BOARD WORKSHOP  
AGENDA  
July 9, 2019**

**OPENING 7:00 PM**

**PUBLIC HEARING** – Continuation of the June 18, 2019 Public Hearing of the May 21, 2019 Comprehensive Master Plan Draft for Public Review

**PUBLIC COMMENT**

**CLOSE PUBLIC HEARING**

**MOTION TO OPEN REGULAR MEETING**

**PUBLIC COMMENT**

**AGENDA ITEMS**

1. **Comprehensive Plan** – Motion to approve resolution on Issuance of a Negative Declaration, Parts 2 and 3 of the Environmental Assessment Form (EAF).
2. **Comprehensive Plan** – Motion to adopt the Town of Esopus Comprehensive Plan, dated May 21, 2019, as amended.
3. **Zoning update following adoption of Comprehensive Plan** – Motion to approve signing Addendum No. 2019-05 with Laberge Group to be the primary adviser for the Land Use Regulations update following the adoption of the Comp Plan.
4. **Bard College to develop natural resource inventory for Town of Esopus** – Motion to sign letter of support for town-wide GIS-based natural resource inventory and resource map. The proposed work would be completed by Bard College students under the guidance of Bard instructor Susan Winchell-Sweeney. The project was recommended to Bard by the DEC and would only move forward if fully funded by the DEC Hudson River Estuary grant program.
5. **CFA grant application for stormwater drainage funding** – Motion to approve Tighe and Bond preparing application for funding of the NYS Water Quality Improvement Project (WQIP) for the Town of Esopus Water Mapping Financial Assistance.
6. **Support for Hudson 7 grant application** – Motion to approve commitment letter in support of grant application to DEC for Hudson River Estuary Program by the Village of Rhinebeck in the amount of \$50,000 to pay for hiring a support coordinator and annual \$550 funding (\$1100 total over two years) from Town of Esopus in equal match to the six other municipalities that make up the Hudson 7; alongside motion to approve signing of a letter of support for the Hudson 7 to continue their Climate Smart Resiliency Planning.
7. **Refinancing** – Motion to approve the issuance of refunding bonds designated “Refunding (Serial) Bonds” as described in Section 70.00 of the Local Finance Law and authorize law firm of Trespasz & Marquardt, LLP, and other matters in relation thereto and the payment of bonds refunded.
8. **Housekeeping** – Motion to approve price adjustments at Transfer Station for TVs.
9. **Housekeeping** – Motion to approve Suppression Systems, Inc (SSI) invoice for Annual Fire Inspection Preventative Maintenance Inspection for \$860. (1 of 2 payments).
10. **Court clerk training** – Motion to approve Marianne Wells to attend the NYS Court Association of Magistrates Conference September 29, 2019 in Syracuse, NY.
11. **Discussion** – Notification of upcoming filming in Port Ewen on July 19<sup>th</sup>& 20<sup>th</sup> Also, see correspondence file for concerns raised by resident about excessive noise and inconvenient detours because of excessive road and bridge closures due to recent HBO filming.
12. **Interview** – Environmental Board applicant Noel Russ.

**Adjournment**

## RESOLUTION

### ADOPTING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)

#### FOR THE ADOPTION OF THE TOWN OF ESOPUS COMPREHENSIVE PLAN 2019

**WHEREAS**, a Comprehensive Plan is a statutorily recognized document under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

**WHEREAS**, the Town of Esopus Town Board identified the need to review and update their existing 1994 Comprehensive Plan to properly plan for growth and development in Town; and

**WHEREAS**, the Town Board assigned the task of reviewing and updating the 1994 Plan to the Town of Esopus Comprehensive Plan Committee (CPC); and

**WHEREAS**, the CPC conducted a detailed planning process to update the 1994 Comprehensive Plan which included a full inventory and analysis of the Town’s waterfront, natural and environmental, economic, housing, demographic, cultural, and historic resources, along with soliciting input from the community via two surveys, open house events, workshops, and stakeholder meetings; and

**WHEREAS**, the CPC prepared a draft Comprehensive Plan dated January 31, 2019, which included three (3) Appendices, and conducted a public hearing on March 6, 2019, pursuant to Town Law §272-a and accepted public and agency comments over a 30-day public comment period; and

**WHEREAS**, subsequent to the March 6, 2019 public hearing and 30-day public comment period, and at the request of the Hamlets of Rifton and Esopus, the CPC conducted a public meeting on April 8, 2019 in the Hamlet of Rifton and a public meeting on April 24, 2019 in the Hamlet of Esopus for the purposes of obtaining additional hamlet-specific input on the January 31, 2019 Comprehensive Plan; and

**WHEREAS**, the CPC revised the draft Comprehensive Plan based on public and agency comments and submitted the revised Comprehensive Plan dated May 21, 2019, officially referred to as the Town of Esopus Comprehensive Plan 2019 (the “2019 Plan”) to the Town Board on May 31, 2019 for their consideration; and

**WHEREAS**, the Town Board received the 2019 Plan, and on June 4, 2019 scheduled a public hearing for June 18, 2019 and made said Plan available for public review at the Town Hall, on the Town of Esopus Website and at the Esopus Public Library; and

**WHEREAS**, the Town Board held a properly noticed public hearing on June 18, 2019, pursuant to Town Law §272-a, during which it was announced that Land Use Recommendations #11 through #46 in the Implementation Matrix were inadvertently omitted from the May 21, 2019 Draft and therefore decided to hold the public hearing open through July 9, 2019 to ensure the public and Town Board had the complete 2019 Plan for review; and

**WHEREAS**, a corrected version of the 2019 Plan was provided to the Town Board and made available to the public in the aforementioned locations on June 18, 2019; and

**WHEREAS**, the Town Board continued the public hearing on July 9, 2019 to accept comments on the corrected 2019 Plan, after which the Town Board closed said public hearing; and

**WHEREAS**, on June 4, 2019, the Town Board declared itself as Lead Agency for the purposes of adopting the 2019 Plan (the "Proposed Action") pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4; and

**WHEREAS**, on June 4, 2019, the Town Board, acting as the Lead Agency confirmed the Proposed Action as a Type I Action, pursuant to SEQRA; and

**WHEREAS**, the Town Board has reviewed Parts 1, 2 and 3 of the Full Environmental Assessment Form (FEAF), and discussed and set forth the following:

1. The 2019 Plan is a guidance document for future decision making and makes recommendations on ways the Town can maintain its environment which includes waterfront, recreational, historic, agricultural, sensitive environmental and cultural areas, it's rural hamlet and small-town character, open spaces, clean water, clean air, and related natural resources while allowing for future growth and development consistent with the Town's environmental setting. The 2019 Plan establishes that these features are primary components of the community and a critical part of the environment in the Town of Esopus.
2. The adoption of the 2019 Plan will positively assist the Town of Esopus and will not result in adverse impacts. The 2019 Plan will aid the Town in reaching goals of maintaining its open space, rural, scenic, natural and protected landscapes and resources, and protecting the environment through a variety of programs, projects, capital improvements, future studies and updating or establishment of new land use policies and regulations.
3. The 2019 Plan recognizes the need to protect natural resources, features and sensitive environmental areas and establishes recommendations to protect those features.
4. The 2019 Plan includes an inventory of natural and environmental resources and recommends future actions to protect those resources.
5. The 2019 Plan was developed with significant public input throughout the process.
6. The intent of the 2019 Plan is to promote the safety, health, and well-being of the residents of the Town, and to protect and enhance the Town's natural environment and character while simultaneously promoting growth and economic development.

7. The 2019 Plan promotes renewable and efficient use of energy.
8. It is recognized that growth will continue to influence the environment in the Town, but the 2019 Plan is oriented to help manage development in a manner which reduces impacts to the environment. The Town finds that the 2019 Plan offers mechanisms to reduce environmental impacts compared to conditions that would occur if no plan was adopted.

**NOW THEREFORE BE IT RESOLVED, that the Town of Esopus Town Board, acting as Lead Agency, hereby declares that the Town of Esopus Comprehensive Plan 2019, described herein will not have any significant adverse environmental impacts, and that an environmental impact statement will not be required; and**

**BE IT FURTHER RESOLVED, that the Town Board hereby authorizes filing of a negative declaration (FEAF Part 3, attached hereto) and a notice in the Environmental Notice Bulletin, according to SEQRA 6 NYCRR Part 617.**

OFFERED BY: COUNCILPERSON \_\_\_\_\_  
SECONDED BY: COUNCILPERSON \_\_\_\_\_

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

## RESOLUTION

### ADOPTION OF THE TOWN OF ESOPUS COMPREHENSIVE PLAN 2019

July 9, 2019

**WHEREAS**, a Comprehensive Plan is a statutorily recognized document under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

**WHEREAS**, the Town of Esopus Town Board identified the need to review and update their existing 1994 Comprehensive Plan to properly plan for growth and development in Town; and

**WHEREAS**, the Town Board assigned the task of reviewing and updating the 1994 Plan to the Town of Esopus Comprehensive Plan Committee (CPC); and

**WHEREAS**, the CPC conducted a detailed planning process to update the 1994 Comprehensive Plan which included a full inventory and analysis of the Town's waterfront, natural and environmental, economic, housing, demographic, cultural, and historic resources, along with soliciting input from the community via two surveys, open house events, workshops, and stakeholder meetings; and

**WHEREAS**, the CPC prepared a draft Comprehensive Plan dated January 31, 2019, which included three (3) Appendices, and conducted a public hearing on March 6, 2019, pursuant to Town Law §272-a and accepted public and agency comments over a 30-day public comment period; and

**WHEREAS**, subsequent to the March 6, 2019 public hearing and 30-day public comment period, and at the request of the Hamlets of Rifton and Esopus, the CPC conducted a public meeting on April 8, 2019 in the Hamlet of Rifton and a public meeting on April 24, 2019 in the Hamlet of Esopus for the purposes of obtaining additional hamlet-specific input on the January 31, 2019 Comprehensive Plan; and

**WHEREAS**, the January 31, 2019 Draft Plan was submitted to the UCPB pursuant to applicable standards of New York State General Municipal Law §239-m, based on which, the UCPB issued an April 3, 2019 letter (made part of this Resolution by reference) which included Advisory Comments recommending the Town consider a site specific/form-based approach to set a vision for key sites with development potential and encouraged the Town to utilize the Ulster County Community Design Manual when preparing design standards/guidelines; and

**WHEREAS**, the UCPB's April 3, 2019 letter also included one (1) Required Modification that the Town include a recommendation to prepare an open space plan for the purposes of protecting the Town's interconnected open spaces, key habitat areas and migratory corridors; and

**WHEREAS**, the CPC revised the January 31, 2019 Plan incorporating UCPB's Required Modification and CPC-approved public and agency comments received during the 30-day comment period and from the Hamlet of Rifton and Esopus meetings; and

**WHEREAS**, the CPC submitted the revised Comprehensive Plan dated May 21, 2019, officially referred to as the Town of Esopus Comprehensive Plan 2019 (the "2019 Plan") to the Town Board on May 31, 2019 for their consideration; and

**WHEREAS**, the Town Board submitted the 2019 Plan to the UCPB for a second review;

**WHEREAS**, the UCPB completed their review of the 2019 Plan and issued a letter to the Town Board dated June 5, 2019 (made part of this Resolution by reference) which included the two (2) Advisory Comments identified in their April 3, 2019 letter along with three (3) additional Advisory Comments related to nonconforming uses, allowable uses and a suggestion to increase the efficiency of local project reviews through the use of gateway meetings which bring together key players early in the project review process; and

**WHEREAS**, through this Resolution, the Town Board acknowledges UCPB's Advisory Comments provided in both the April 3 and June 5, 2019 letters and will take them into consideration during a subsequent update of the Town of Esopus land use regulations; and

**WHEREAS**, on June 4, 2019 the Town Board scheduled a public hearing for June 18, 2019 and made the 2019 Plan available for public review at the Town Hall, on the Town of Esopus Website and at the Esopus Public Library; and

**WHEREAS**, the Town Board held a properly noticed public hearing on June 18, 2019, pursuant to Town Law §272-a, during which it was announced that Land Use Recommendations #11 through #46 in the Implementation Matrix were inadvertently omitted from the May 21, 2019 Draft and therefore decided to hold the public hearing open through July 9, 2019 to ensure the public and Town Board had the complete 2019 Plan for review; and

**WHEREAS**, a corrected version of the 2019 Plan was provided to the Town Board and made available to the public in the aforementioned locations on June 18, 2019; and

**WHEREAS**, the Town Board continued the public hearing on July 9, 2019 to accept comments on the corrected 2019 Plan, after which the Town Board closed said public hearing; and

**WHEREAS**, on July 9, 2019, acting as Lead Agency, the Town Board determined that the 2019 Plan described herein will not have adverse environmental impacts, and determined that an environmental impact statement will not be required through the issuance of a Negative Declaration, pursuant to 6 NYCRR Part 617 (made part of this resolution by reference); and

**WHEREAS**, the Town Board received a letter from the Town of Esopus Planning Board dated June 26, 2019 requesting a revision to Recommendation LU-45 and the addition of two recommendations related to updating Chapter 123 Zoning, of the Town Code; and

**WHEREAS**, upon review of the June 26, 2019 Planning Board letter, the Town Board has determined that the recommended revision and the two new recommendations will be taken into consideration during the Town's zoning update process and it is not necessary to revise the 2019 Plan; and

**WHEREAS**, upon review of the 2019 Plan, the Town Board seeks to make a non-material revision to Recommendations ED-7 and LU-9, incorporating references to the former Kosco Oil site, a suspected brownfield site, and State Superfund Site Hercules Powder Co./Dyno-Nobel, and said revision are substantially the same as the prior version of the 2019 Plan; and

**WHEREAS**, upon due deliberation and taking into consideration all public and agency comments, the Town Board intends to adopt the Town of Esopus Comprehensive Plan 2019, as revised, complete with three (3) Appendices, dated May 21, 2019.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF ESOPUS,  
ULSTER COUNTY, NEW YORK:**

That the Town Board hereby determines that the Town of Esopus Comprehensive Plan 2019 and three (3) Appendices dated May 21, 2019, are hereby adopted as the Town of Esopus Comprehensive Plan 2019; and

That the Town Board shall file a final copy of the Town of Esopus Comprehensive Plan 2019 with the Town of Esopus Town Clerk and with the UCPB as required in Town Law §272-a; and

That the Town Board shall cause a full copy of the adopted Comprehensive Plan including all associated documents and maps included in the Appendices be placed and maintained to be accessible on the Town website

OFFERED BY: COUNCILPERSON \_\_\_\_\_

SECONDED BY: COUNCILPERSON \_\_\_\_\_

Councilperson Gloria Van Vliet \_\_\_\_\_

Councilperson Jared Geuss \_\_\_\_\_

Councilperson Kathie Quick \_\_\_\_\_

Councilperson Chris Farrell \_\_\_\_\_

Supervisor Shannon Harris \_\_\_\_\_

# CONTRACT ADDENDUM NO. 2019-05

## Town of Esopus Land Use Regulations Update

DATED: June 13, 2019

TO

Agreement for Professional Services  
(Original agreement date: April 24, 2018)

The original Agreement, between Town of Esopus, Ulster County, New York, the OWNER and Laberge Group, the CONSULTANT is hereby amended as follows:

The CONSULTANT shall complete the review and update of the Town of Esopus Land Use Regulations as detailed in *Attachment 1: Town of Esopus Land Use Regulation Update Scope of Work.*

OWNER agrees to engage and pay CONSULTANT as compensation for the services as follows:

- 1) \$40,000 inclusive of expenses.

In the event the CONSULTANT is directed by the OWNER to stop work on an in-process project, or in the event the OWNER changes the original project after preparation work has begun, services completed will be billed on an hourly basis not to exceed the lump sum fee.

### OWNER:

Town of Esopus

P.O. Box 700

Port Ewen                      New York                      12466  
City                                      State                      Zip

BY: \_\_\_\_\_

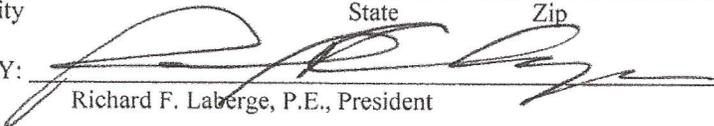
Print Name: Shannon Harris                      Title Supervisor

### ENGINEER:

LABERGE GROUP

4 Computer Drive, West

Albany                      New York                      12205  
City                                      State                      Zip

BY:   
Richard F. Laberge, P.E., President

**ATTACHMENT 1**  
**TOWN OF ESOPUS LAND USE REGULATION UPDATE**  
**SCOPE OF WORK**

**TASK 1: BACKGROUND RESEARCH**

Based on the work completed as part of the Town's Comprehensive Plan update process which identified key land use and regulatory issues to address, the Town is not seeking a major overhaul of zoning and related land use regulations. Rather, updates to the Town's land use regulations will be targeted and guided by relevant Comprehensive Plan recommendations combined with additional analysis and Town input.

In addition to Chapter 123 "Zoning," the following key Chapters of the Town of Esopus Town Code will also be evaluated for consistency with the 2019 Comprehensive Plan and necessary amendments: Chapter 56 "Unsafe Buildings," Chapter 85 "Garbage, Rubbish and Refuse," Chapter 90 "Junkyards," Chapter 96 "Lawn Maintenance," and Chapter 113 "Abandoned Vehicles." Chapter 43 "Waterfront Advisory Board" and Chapter 44 "Waterfront Revitalization Program" will be reviewed to ensure consistency with the remaining chapters, however, since the Town of Esopus will be undertaking an update to their Local Waterfront Revitalization Program (LWRP), any major revisions to Chapters 43 and 44 will occur during and after the LWRP is completed and are not expected to be part of this update.

While a major overhaul is not necessary at this stage, Laberge Group will still conduct a thorough review of the above-identified Town of Esopus' land use regulations along with applicable applications and review processes. The intent of this review will be to ensure there are no conflicting regulations or processes, existing regulations and processes are in full compliance of NYS General Municipal Law, NYS Town Law, and relevant case law and to identify/correct any errors and additional issues in line with the Town's updated Comprehensive Plan.

In addition to a full review of the Town's existing land use regulations, Laberge Group will take into consideration specific land use related recommendations within the Town's updated Comprehensive Plan. Laberge Group will also review Comprehensive Plan Appendix 3 – Myles Putman Planning Memos. These memos were previously provided to the Town addressing relevant land use issues facing the Town and will be of assistance during the land use regulations update process.

Based upon our review of these documents, Laberge Group will prepare a Technical Memorandum that lists/summarizes the key issues to be addressed in the land use regulation update based on the Comprehensive Plan and Laberge Group's review of the existing land use regulations. The document will be presented and discussed at Committee Meeting #1 (Task 2).

**Deliverables:**

- Laberge Group will review the Town's existing land use regulations and processes, land use and regulatory-related recommendations in the Town's Comprehensive Plan 2019 and Comprehensive Plan Appendix 3, in advance of Committee Meeting #1.

Town of Esopus Land Use Regulation Update  
Scope of Work

- Draft #1 Technical Memorandum. Digital (PDF) copy will be provided to the Zoning Committee via Email.

**TASK 2: KICK-OFF MEETING AND TECHNICAL MEMORANDUM UPDATE**

Following the completion of Task 1, Laberge Group will conduct a Kick-Off meeting with the Zoning Committee (Committee Meeting #1) to accomplish the following:

- Review the Scope of Services and confirm communication procedures with the Zoning Committee and other involved Town committees and boards;
- Have an open discussion on the existing land use regulations and procedures to better understand how they work (and/or do not work) in practice and to identify key issues and practical problems that need to be addressed during the update, including possible Zoning Map and Zoning District revisions;
- Review/discuss the Draft Technical Memorandum and seek to identify all known regulatory issues which should be addressed during the update. Digital (PDF) copies will be provided to the Zoning Committee via Email.

Laberge Group will revise the Technical Memorandum (Draft #2) based on Committee Meeting #1. The memorandum will identify each key issue the Zoning Committee would like addressed in the land use regulation update and will serve as the primary outline of revisions to the regulations. Draft #2 will be reviewed at Committee Meeting #2 to confirm the Town's direction. The Final Technical Memorandum (Draft #3) will be prepared based on Committee Meeting #2 after which it will be shared electronically with the Town Board to verify the direction of the regulatory revisions.

**Deliverables:**

- Attend and lead Committee Meetings #1 and #2.
- Prepare Draft #2 and Draft #3 of the Technical Memorandum based on direction provided by the Zoning Committee. Digital (PDF) copy will be provided to the Zoning Committee via Email.

**TASK 3: PREPARE DRAFT LAND USE REGULATIONS**

**Task 3.1 Zoning Districts, Allowable Uses and Density Requirements**

Upon completion of and signoff on the Technical Memorandum (Task 2), Laberge Group will draft initial revisions to the applicable regulations. The revisions will follow the approved outline and is expected to include new Zoning Districts (if any), allowable uses within each District, and the corresponding review process (e.g., as-of-right, Site Plan Review and Special Use Permit) along with initial recommended changes to the Zoning Map and revisions to existing definitions/addition of new definitions. Laberge Group will also recommend revisions to height and density requirements for each Zoning District, as applicable.

Laberge Group will facilitate Committee Meetings #3 to review proposed revisions. Laberge Group will work with the Zoning Committee to prepare initial revisions to the Zoning Map to reflect changes to Zoning District(s).

Town of Esopus Land Use Regulation Update  
Scope of Work

**Deliverables**

- Prepare Draft #1 of recommended revisions to Zoning Districts, initial revisions to the Zoning Map, allowable uses, review procedures and density requirements and definitions. Digital (PDF) copy for each draft will be provided to the Zoning Committee via Email. Up to ten (10) 11x17 paper copies of Zoning Map edits will be provided.
- Attend and lead Committee Meeting #3 and prepare meeting notes, as necessary. Digital (PDF) copy of meeting notes will be provided to the Zoning Committee via Email.

**Task 3.2 Draft Revisions to Land Use Regulations**

Following the completion of the above Tasks, Laberge Group will prepare text for the balance of relevant land use regulations not addressed in Task 3.1, in accordance with the approved Technical Memorandum. Laberge Group will work with the Zoning Committee to prepare revisions over the course of three (3) Committee Meetings, #4 through #6.

Upon completion of Committee Meeting #6 Laberge Group will organize all proposed land use regulation Articles/Sections (including revisions from Task 3.1) and a revised Zoning Map into a single document (hereinafter referred to as the *Proposed Land Use Regulations*) for final signoff by the Zoning Committee at Committee Meeting #7. Upon completion of Committee Meeting #7 a full Draft of the Proposed Land Use Regulations will be finalized for discussions with the Town Board.

It is recommended that the Zoning Committee conduct interim meetings (meetings between Committee meetings attended by Laberge Group) to review and mark up draft materials to improve the overall efficiency of the update process.

**Deliverables:**

- Preparation of up to three (3) drafts of the Proposed Land Use Regulations. Each draft will be provided in PDF form via Email.
- Laberge Group will attend and lead Zoning Committee Meetings #4 through #7 to present and review the Proposed Land Use Regulations.
- Laberge Group will prepare notes of each Committee Meeting and provide them in PDF.

**TASK 4: TOWN BOARD REVIEWS**

**Task 4.1. Joint Town Board Meeting and Distribution of Draft Proposed Land Use Regulations**

Upon Zoning Committee signoff at Committee Meeting #7, the Draft Proposed Land Use Regulations will be distributed to the Town Board for their initial consideration. Laberge Group will attend one (1) Town Board meeting to present the Draft Proposed Land Use Regulations. It is recommended that this meeting include the Zoning Committee, Waterfront Advisory Board, Planning Board, and Zoning Board of Appeals for a joint presentation and discussion. Laberge Group will complete one (1) additional revision to finalize the Draft Proposed Land Use Regulations following the joint meeting if changes are directed by the Town Board.

Pursuant to § 123-48 "Advisory Opinions," of the existing Chapter 123 "Zoning," the Town Board is required to make a referral to the Planning Board for their review and issuance of an advisory opinion. At

## Town of Esopus Land Use Regulation Update Scope of Work

such time that the Town Board considers the Draft Proposed Land Use Regulations acceptable for distribution, the Town Board will formally refer the documents to the Planning Board for their advisory review. In addition, it is recommended that the Town Board refer the documents to the Waterfront Advisory Board, Zoning Board of Appeals, Town Code Enforcement Officer, Town Attorney, Town Clerk, and the Ulster County Planning Board. Referral to the Ulster County Planning Board will be made in accordance with General Municipal Law Section 239-m. Copies of the Draft Proposed Land Use Regulations will also be made available to the general public for review and comment at this time.

### **Deliverables:**

- Laberge Group will attend and facilitate one (1) Joint Town Board, Zoning Committee, Waterfront Advisory, Planning and Zoning Board Meeting.
- One revision to the Draft Land Use Regulations based upon the Joint Town Board meeting (if directed by the Town Board).
- Up to twelve (12) spiral bound copies of the Draft Land Use Regulations, including the Zoning Map for distribution. A PDF file will also be provided for online posting.
- Referral to the Ulster County Planning Board

### **Task 4.2 Public Hearing**

Once the Town Board determines the Proposed Land Use Regulations are suitable for public review, the Town Board will schedule a public hearing. Laberge Group will present the Draft Land Use Regulations at the Town Board public hearing and accept comments. The Town Board will be responsible for posting the public hearing notice and distributing draft documents in accordance with applicable laws, providing the appropriate public hearing facilities and documenting all comments provided.

Note: If notable material changes to the proposed regulations are directed by the Town Board as a result of public and/or county review, a second public hearing may be required.

### **Deliverables:**

- Laberge Group will attend and present at one (1) Town Board public hearing.

### **Task 4.3 State Environmental Quality Review**

The adoption of the Proposed Land Use Regulations will be subject to the State Environmental Quality Review Act (SEQRA), and must conform to the regulations of 6 NYCRR Part 617. It is anticipated that the adoption will be considered a Type I Action. For the purposes of this Scope of Work, Laberge Group will prepare the Full Environmental Assessment Form (EAF), assist in making a determination of significance and will provide the Town with guidance on preparing supporting resolutions. Should it be determined that a Negative Declaration is appropriate, the fee associated with this Scope of Work includes the preparation of a Negative Declaration. Should it be determined that an Environmental Impact Statement (EIS) is required, a contract amendment will be required in order for Laberge Group to assist in the preparation of the EIS. Laberge Group will work with the Town Board and Town Attorney to ensure SEQRA compliance.

## Town of Esopus Land Use Regulation Update Scope of Work

### **Deliverables:**

- Laberge Group will prepare a draft and revised draft Part 1, 2 and if necessary, Part 3 of the Full Environmental Assessment Form and assist with making a determination of significance in accordance with SEQRA for use by the Town Board. These documents will be transmitted to the Town Board in PDF form via Email.

### **Task 4.4 Town Board Approval**

Upon completion of the public hearing and review by Ulster County and various boards identified above, Laberge Group will conduct up to one (1) meeting with the Town Board to review and make any necessary revisions to the Proposed Land Use Regulations. One (1) set of revisions will be provided if directed by the Town Board. The resulting document will be the *Final Proposed Land Use Regulations*.

If notable material revisions are made to Proposed Land Use Regulations necessitating additional public hearings, attendance by Laberge Group will be considered an additional service. In addition, if a second hearing is required, the Proposed Land Use Regulations will also need to be submitted to Ulster County for a second review. Laberge Group and the Town Board will coordinate with the Town Attorney to decide on the need for an additional hearing and a second Ulster County submission.

Laberge Group will attend one (1) final Town Board meeting during which the Final Proposed Land Use Regulations will be considered for adoption to answer any final questions and provide necessary guidance.

### **Deliverables:**

- Attend one (1) Town Board meeting to discuss any necessary revisions.
- One (1) additional sets of revisions, as necessary to prepare the Final Land Use Regulations.
- Attend one (1) Town Board meeting during which the Final Proposed Land Use Regulations will be considered for adoption.

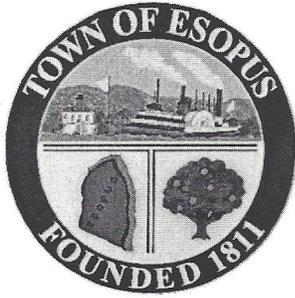
### **ASSUMPTIONS**

1. If a Positive Declaration is issued requiring the preparation of an Environmental Impact Statement, a contract amendment will be required to allow Laberge Group to assist the Town accordingly.
2. The Town of Esopus and Town Attorney will be responsible for preparing the necessary Local Law documentation for the adoption of all proposed land use regulations, all related Town Board Resolutions, and compliance with all referral requirements pursuant to Town Law and General Municipal Law.
3. The Town of Esopus will be responsible for scheduling the public hearing and distributing public hearing notifications in accordance with applicable laws and recording of all comments provided.

**Town of Esopus Land Use Regulation Update - Timeline**

 		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
TASKS	DESCRIPTION												
<b>Task 1</b>	<b>Background Research</b>												
	<i>Review existing land use regulations</i>												
	<i>Draft #1 Technical Memorandum (D1)</i>	D1											
<b>Task 2</b>	<b>Kick-Off Meeting and Tech. Memo Update</b>												
	<i>Attend Committee Meetings #1 and #2</i>	CM#1/CM#2											
	<i>Prepare Drafts #2 and #3 of Tech. Memo (D2 and D3)</i>	D2	D3										
<b>Task 3</b>	<b>Prepare Draft Land Use Regulations</b>												
<b>Task 3.1</b>	<b>Zoning Districts, Allowable Uses and Density Requirements</b>												
	<i>Prepare Draft #1 of recommended revisions (D1)</i>		D1										
	<i>Attend Committee Meeting #3</i>			CM#3									
<b>Task 3.2</b>	<b>Draft Revisions to Land Use Regulations</b>												
	<i>Preparation of three (3) draft Land Use Regulation Revisions (D1, D2, D3)</i>				D1		D2	D3					
	<i>Attend Committee Meetings #4 through #7</i>				CM#4	CM#5	CM#6	CM#7					
<b>Task 4</b>	<b>Town Board Reviews</b>												
<b>Task 4.1</b>	<b>Joint Board Meeting</b>												
	<i>Attend and facilitate One (1) Joint Town Board, Zoning Committee, Waterfront Advisory, Planning and Zoning Board meeting</i>								JB#1				
	<i>Prepare one (1) revision to Draft Land Use Regulations (D1)</i>									D1			
	<i>Provide up to twelve (12) bound copies of Draft Land Use Regulations (D2)</i>									D2			
	<i>Referral to Ulster County Planning Board (D3)</i>									D3			
<b>Task 4.2</b>	<b>Public Hearing</b>									PH			
	<i>Attend and present at one (1) Town Board public hearing</i>												
<b>Task 4.3</b>	<b>SEQRA</b>												
	<i>Prepare draft and revised draft EAF Part 1, 2, and if necessary Part 3, and the Determination of Significance (D1)</i>										D1		
<b>Task 4.4</b>	<b>Town Board Approval</b>												
	<i>Attend one (1) Town Board meeting</i>										TB#1		
	<i>Prepare one (1) additional revision to the Final Land Use Regulations (D1)</i>										D1		
	<i>Attend one (1) Town Board meeting to adopt the Final Land Use Regulations</i>											TB#2	

**Key** D=Deliverables (associated with each Task), CM# = Committee Meeting, JB=Joint Board Meeting, PH=Public Hearing, TB=Town Board Meeting



# Town of Esopus

P.O. Box 700  
284 Broadway  
Ulster Park, NY 12487

Phone (845) 339-1811

Fax (845) 338-5598

July 9<sup>th</sup>, 2019

Hudson River Estuary Program  
NYSDEC Region 3  
21 S Putt Corners Rd  
New Paltz, NY 12561

## **Letter of Support for Bard College re: Natural Resources Inventory for Esopus**

### **To Whom It May Concern:**

The Esopus Town Board enthusiastically supports Bard College's application for funding support from the New York State Department of Environmental Conservation (NYSDEC), Hudson River Estuary Program (HREP) to help create a Natural Resources Inventory (NRI) for our Town.

Information about the Town's natural resources – groundwater, streams, mineral resources, wetlands, farmland, habitats, plants, and wildlife – can inform land use planning and decision-making and serve as an education tool.

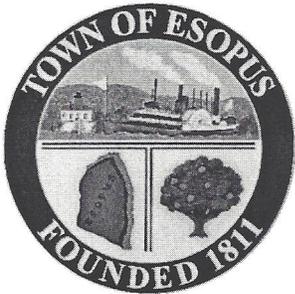
As the Town develops into the future, it will become increasingly important to ensure that our natural assets are accounted for and maintained. As our residents have made clear to us during our production of a new Town Comprehensive Plan, a sense of balance and connectedness with/to our natural environment is a fundamental aspect of Esopus' culture. Having an NRI is an important step towards creating an organized and thorough account of our community's natural resources. In response, the Town has just completed a Habitat Summary in cooperation with the NSDEC Hudson River Estuary Program and Cornell University. In conjunction with the Habitat Summary, the undergoing of an NRI has been added as a recommendation to our Town of Esopus Draft Comprehensive Plan.

The NRI will be prepared by undergraduate students and faculty with the guidance of the Estuary Program, which will help facilitate data acquisition and management. Bard College students in the Environmental and Urban Studies (EUS) program, supervised by instructor Susan Winchell-Sweeney, will create a series of resource maps at no cost to the Town. Instructor Winchell-Sweeney is a certified Geographic Information Systems Professional (GISP) and has over a decade of GIS teaching experience with both graduate and undergraduate students. In addition, Marco Spodek will be providing support in his role as community lab technician for EUS as well as M. Elias Dueker, Director of the EUS Program. It is our view that Bard College's collaboration with the Town will result in a 'win-win' situation where Bard's students are welcomed into an engaging and educational experience while simultaneously assisting the Town in its ecological efforts.

Thank you for considering Bard College's application to support this worthy project.

Sincerely,  
**Catherine L. Quick**

Deputy Supervisor  
Office: (845) 331-0676  
284 Broadway  
Ulster Park, NY 12487



# Town of Esopus

P.O. Box 700  
284 Broadway  
Ulster Park, NY 12487

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July 9<sup>th</sup>, 2019

Mark Klotz, Director  
NYSDEC Division of Water  
625 Broadway  
Albany, NY 12233-3508

## **Re: Esopus Stormwater Mapping Financial Assistance Application Letter of Support**

### **Dear Director Klotz:**

The Town Board of Esopus supports the Town of Esopus application for financial assistance to map the Town's stormwater system including applications to the State of New York, Department of Environmental Conservation (DEC), and an application for grant funding under the Water Quality Improvement Project (WQIP) through the Consolidated Funding Application (CFA).

The Town of Esopus has a high water table that creates a large amount of runoff into the Hudson River each year. In order to maintain future compliance under the Municipal Separate Stormwater Sewer Systems (MS4s) permit program, the Town of Esopus desires to map their stormwater collection system. The Town has determined that it is in their best interest to electronically map elements of their stormwater system that contribute to the outfalls regulated under the MS4 permit program, as well as non-regulated outfalls that ultimately discharge to the Rondout Creek and Hudson River.

The purpose of the MS4 permit program is simple –to reduce the amount of pollutants carried by stormwater during storm events to waterbodies, to the maximum extent practicable. The Hudson River is the Town of Esopus drinking water supply (as well as the supply for many other communities). This makes reduction in stormwater pollutant discharges vital. Mapping the stormwater collection system is a foundational step in the Town better managing its stormwater discharge.

In continuing this direction of improving stormwater management, the Town has established several goals in the newest draft of the Town Comprehensive Plan oriented towards improvement of the local water system, including development of a Road-Stream Crossing Inventory and Water/Sewer Maintenance & Replacement Plan. With grant funding assistance, the Town overall aims to create a more efficient and organized water management system that will serve the needs of Esopus residents for years to come.

Sincerely,  
**Catherine L. Quick**

Deputy Supervisor  
Office: (845) 331-0676  
284 Broadway  
Ulster Park, NY 12487

[www.Esopus.com](http://www.Esopus.com)

**ESOPUS TOWN BOARD RESOLUTION**

**For Hudson 7 Strategic Plan to Protect Hudson River Drinking Water**

**WHEREAS:** The Hudson River Drinking Water Intermunicipal Council (Hudson 7) represents seven municipalities that draw drinking water from the Hudson River. They are: Town of Esopus, Town of Hyde Park, Town of Lloyd, Town and City of Poughkeepsie, Town and Village of Rhinebeck.

**WHEREAS:** The Hudson 7 formed on May 31<sup>st</sup>, 2018 to join forces to protect the collective drinking water supply that serves over 100,000 people through planning, advocacy and action.

**WHEREAS:** After a year of regular monthly meetings, are ready to build on their successful Hudson 7 partnership by hiring a coordinator who can provide structural and educational support to the group, act as a liaison with source water protection planning process, and produce a strategic plan for the next five years to help to implement source water protection and infrastructure goals.

**WHEREAS:** The coordinator’s work plan will be in part to: Coordinate logistics for monthly meetings, work toward drinking source water protection plan; Increase capacity of H& membership through education on key Hudson 7 issues (e.g. by organizing speakers for meetings) such as risk of spills, pollution sources in watershed, land use planning to reduce future pollution, protection of streams and wetlands; Increase capacity of H7 organization by maintaining and strengthening membership and structure; Assisting in research and outreach on timely issues; Engaging additional partners; Produce a 5-year strategic plan that integrates both source water protection priorities and drinking water protection priorities and drinking water infrastructure needs and to form basis for direct action or grant proposals.

**WHEREAS:** The grant request will be made through the Department of Environmental Conservation (DEC) Hudson River Estuary Program (HREP) in the amount of \$50,000 to pay a coordinator for two years (\$25,000 per year, approximately 10 hrs/week) as an initial investment.

**WHEREAS:** The Village of Rhinebeck has agreed to submit the grant application on behalf of the Hudson 7 with a deadline of July 10, 2019.

**NOW THEREFORE BE IT RESOLVED:** That we as representatives of the Town of Esopus in Ulster County support the “Hudson 7 Strategic Plan to Protect Hudson River Drinking Water” grant application and commit at least \$550 per year (in funds or in-kind) for two years (\$1,100 total) as the local match to the grant.

OFFERED BY: COUNCILPERSON \_\_\_\_\_

SECONDED BY: COUNCILPERSON \_\_\_\_\_

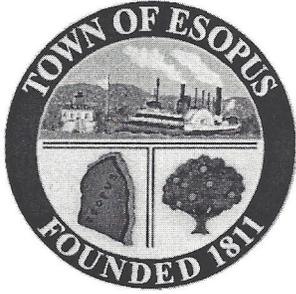
Councilperson Gloria Van Vliet \_\_\_\_\_

Councilperson Jared Geuss \_\_\_\_\_

Councilperson Kathie Quick \_\_\_\_\_

Councilperson Chris Farrell \_\_\_\_\_

Supervisor Shannon Harris \_\_\_\_\_



# Town of Esopus

P.O. Box 700  
284 Broadway  
Ulster Park, NY 12487

Phone (845) 339-1811

Fax (845) 338-5598

July 9<sup>th</sup>, 2019

Fran Dunwell  
Hudson River Estuary Program  
NYSDEC Region 3  
21 S Putt Corners Rd  
New Paltz, NY 12561

**Re: Hudson River Estuary Program Grant Proposal**  
***“Hudson 7 Strategic Plan to Protect Hudson River Drinking Water”***

**Dear Fran,**

As a member of the Hudson River Drinking Water Intermunicipal Council (‘the Hudson 7’) we are writing to support the “Hudson 7 Strategic Plan to Protect Hudson River Drinking Water” grant application, and to commit at least \$550 per year (in funds or in-kind) for two years (\$1,100 total) as the local match to the grant.

The Hudson 7 is an intermunicipal council representing the seven municipalities that draw drinking water from the Hudson River. They are: Town of Esopus, Town of Hyde Park, Town of Lloyd, Town and City of Poughkeepsie, Town and Village of Rhinebeck. We formed on May 31st, 2018 to join forces to protect our collective drinking water supply that serves over 100,000 people through planning, advocacy and action.

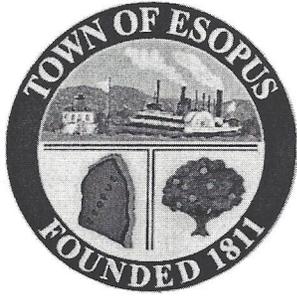
After a year of regular monthly meetings, we are ready to build on our successful Hudson 7 partnership by hiring a coordinator who can provide structural and educational support to the group, act as a liaison with source water protection planning process, and produce a strategic plan for the next five years to help us to implement source water protection and infrastructure goals.

Thank you for your consideration.

Sincerely,

**Catherine L. Quick**

Deputy Supervisor  
Office: (845) 331-0676  
284 Broadway  
Ulster Park, NY 12487



# Town of Esopus

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July 9<sup>th</sup>, 2019

Andrew J. Peck, PhD  
The Nature Conservancy  
108 Main Street  
New Paltz, NY 12561

**Re: Hudson River Estuary Program Grant Proposal**  
***“Hudson 7 Climate Smart Resiliency Planning”***

**Dear Mr. Peck,**

On behalf of the Town of Esopus, I am writing this letter to indicate our strong support of the application submitted by the Nature Conservancy to the NYS DEC Hudson River Estuary Program’s Local Stewardship Planning grant. The Town is committed to working with Cornell Cooperative Extension of Ulster County to complete the Climate Smart Resiliency Planning (CSRП) tool and participating in the planned Community Resiliency Building (CRB) workshops for the Hudson 7.

We will provide the municipal planning documents and codes necessary to complete the CSRП tool, as well as contact information for municipal employees, consultants, or volunteers who have been involved with resiliency-related planning. We will participate in conversations with Cornell Cooperative Extension staff and an in-person meeting to review the tool and develop recommendations. For the CRB workshop, we agree to help schedule, develop attendee lists, and encourage municipal staff to participate.

We look forward to working with the Nature Conservancy, Hudson River Watershed Alliance, and Cornell Cooperative Extension on this task and are confident that completing the CSRП tool and the CRB workshop will strengthen our commitment to resiliency planning and contribute to building a more resilient community.

Thank you for your consideration.

Sincerely,

**Catherine L. Quick**

Deputy Supervisor  
Office: (845) 331-0676  
284 Broadway  
Ulster Park, NY 12487

**REFUNDING BOND RESOLUTION DATED JULY 9, 2019.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "REFUNDING (SERIAL) BONDS" AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.**

**WHEREAS**, the Town of Esopus, Ulster County, New York (hereinafter, the "Town") has outstanding \$2,155,000 of Public Improvement (Serial) Bonds, 2006 dated October 1, 2006 originally issued in the aggregate principal amount of \$3,000,000 and maturing or matured on October 1st annually through 2036 pursuant to a bond resolution dated July 21, 2005 (the "Refunded Bonds"); and

**WHEREAS**, the Refunded Bonds carry interest rates that are higher than interest rates available in the current capital markets; and

**WHEREAS**, it is now desired to authorize the Town Supervisor, as Chief Fiscal Officer of the Town, to refund and refinance the Refunded Bonds in order to achieve lower interest rates and present value debt service savings.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Esopus, Ulster County, New York, (by a favorable vote of not less than two thirds of said Board) as follows:

Section 1. As a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), the Town Board, having reviewed the classifications of actions contained in the Regulations, hereby determines that issuance of refunding bonds to refund the Refunded Bonds constitutes a "Type II Action" under the Regulations and is not subject to review under SEQRA.

Section 2. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds (or such portion thereof as the Chief Fiscal Officer shall determine to be in the best interests of the Town), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation, the development of the Refunding

Financial Plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter defined, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,300,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 or 90.10 of the Local Finance Law (the "Town Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,005,000, as provided in Section 7 hereof. The Town Refunding Bonds shall each be designated substantially "REFUNDING (SERIAL) BONDS, 2019" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at private sale at a discount in the manner authorized by Section 90.00 or 90.10, as appropriate, of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 13 hereof relating to approval by the State Comptroller, if required.

Section 3. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, Jersey City, New Jersey ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, Jersey City, New Jersey, or to its nominee, Cede & Co., while

the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided). In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to select the underwriter to purchase the Refunding Bonds and to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

Section 4. The Supervisor is hereby further designated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted or impressed thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, if applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal

Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 6. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law, if applicable;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as set forth in the bond determinations certificates relating thereto which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said/respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is as shown in the Refunding Financial Plan described in Section 7 hereof.

Section 7. The financial plan for the refunding authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this Resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$2,005,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit A attached hereto and made a part of this resolution. The Town Board recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued with substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in

connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, if applicable. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 8. The Supervisor is hereby authorized to enter into an escrow contract (the "Escrow Contract") with a bank or trust company, located and authorized to do business in this State as said Supervisor shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law, if applicable.

Section 9. The faith and credit of said Town of Esopus, Ulster County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. To the extent debt service on such bonds is not paid from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 10. To the extent required by law and if necessary to carry out the intent of the refunding financial plan, all of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest, if any, on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds on the first interest payment date thereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.00 and 90.10 of the Local Finance Law, if applicable, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 11. Notwithstanding any other provision of the Resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder as then in effect.

Section 12. In accordance with the terms of the Refunded Bonds and the Bond Certificate relating thereto, as well as the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, if applicable, and subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to call in and redeem each series of Refunded Bonds on their respective first optional redemption date. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any as provided in the Refunded Bonds Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 13. The Refunding Bonds shall be sold at public competitive sale or at private sale to an investment bank to be selected by the Supervisor (the "Underwriter") for such purchase price as shall be determined by the Supervisor, plus accrued interest, if any, from the date of the Refunding Bonds to the date of delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law (if applicable), the Supervisor, is hereby authorized to execute and deliver a purchase contract, or similar agreement, for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter.

Section 14. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 15. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 16. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of 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.

Section 17. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 18. The law firm of Trespasz & Marquardt, LLP is appointed bond counsel for the Refunding Bonds.

The foregoing resolution will be put to a vote on July 9, 2019

OFFERED BY: COUNCILPERSON \_\_\_\_\_

SECONDED BY: COUNCILPERSON \_\_\_\_\_

Councilperson Gloria Van Vliet \_\_\_\_\_

Councilperson Jared Geuss \_\_\_\_\_

Councilperson Kathie Quick \_\_\_\_\_

Councilperson Chris Farrell \_\_\_\_\_

Supervisor Shannon Harris \_\_\_\_\_