

The October regular meeting of the Gardiner Town Board was held this evening at 7 PM. The meeting was held as a hybrid, in person and on Zoom. Present were Supervisor Majestic, Councilmembers Walls, Richman, Carucci and Wiegand. As well as town attorney, Allyson Phillips. There were approximately ±29 audience members.

### **ANNOUNCEMENTS**

November 8<sup>th</sup> – Town Hall and Highway Department will be closed for Election Day.

November 11<sup>th</sup> – Town Hall, Highway Department and Transfer Station will be closed for Veteran’s Day.

November 24<sup>th</sup> & 25<sup>th</sup> – Town Hall, Highway Department and Transfer Station will be closed Thursday and Friday for Thanksgiving.

Councilmember Walls stated she received a draft letter from Dave Church for the board to review, looking for input about getting the Code in conformance with the Comprehensive Plan. Any suggestions the board has can be emailed to Councilmember Walls.

Supervisor Majestic informed the board that she got a request from Eric Roth from Mohonk Preserve looking for a letter of support for a grant with the Hudson River Valley Greenway to improve the Split Rock area along the Coxingkill. Supervisor Majestic plans to send a letter, Councilmember Walls agrees.

Councilmember Carucci stated that Climate Smart received CEC Grant approval for \$5,000. The grant money will go towards reimbursement for the EV Station and other maintenance.

Councilmember Richman clarified her vote regarding Mr. Yaffe, Attorney for Awosting Club.

### **GREENHOUSE GAS INVENTORY PRESENTATION**

Mark Varian, Steve Mazzuca and Steve Weir presented a PowerPoint of the Town of Gardiner 2019 Inventory of Community and Government Operations Greenhouse Gas Emissions.

Community Wide Greenhouse Gas Inventory is a required action element for Climate Smart Communities. This is a state sponsored endeavor under the offices of the Environmental Conservation. The purpose is to enable towns, villages, cities, and counties to address local environmental issues and prepare communities to limit the impacts of climate change and establish sustainable methods to adapt to a warming planet. 2019 is the base year for the inventory, as 2020 was the 1<sup>st</sup> Covid year and that data would be skewed because of the pandemic. There are 5 sectors of inventory; electricity use of residential and commercial, fuel, car and truck emissions, waste water and solid waste. Also added were the emissions from live stock since there is an active farming community in Gardiner. Suggestions made for the Town following the inventory were, 1) Urge local business to install EV charging stations. 2) Residential/ Commercial Energy Use: Promote environmental and economic benefits of installing heat pumps and solar panels, requiring them for development of new homes and commercial establishments. 3) Implement community wide food waste composting program.

### **LAZY RIVER CAMP GROUND FLOATING DISTRICT DISCUSSION**

The Town Board has narrowed down two areas that needs continued discussion; one being the permanent residences that are throughout the camp ground. The other issue is the park model RV’s. Supervisor Majestic would like the board members to share their concerns and points of view on the park model RV’s set up and what has happened since the adoption of the Camp

Ground Floating District Law passed in February 2020.

Councilmember Walls and Carucci conveyed their concerns with safety and how close the cabins are to one another. Although they do meet the national standards, there continues to be concerns about safety, particularly, fire.

Councilmember Richman addressed violations. She feels there are two layers of violations that need to be addressed; prior to the 2020 Floating District Law and after. Also, Ms. Richman spoke on the density and the distance between the RVs and the huge visual impact Lazy River has.

Councilmember Wiegand expressed that safety of Lazy River guests, noise, visual impact and buffering are more important than the park model RVs.

Supervisor Majestic agrees with board members on their concerns. She stated that the Town does not agree with Lazy River regarding the recent park model RVs as preexisting, non-conforming. Would like more continuity with management and standard operational procedures would help the Board get an understanding of how enforcement is conducted.

Town Attorney, Allyson Phillips, will generate a written response to the questions the Board has, refer the March 2022 information submitted by Lazy River to the Code Enforcement Officer to review and comment, and to start preparing a decision draft document for the Board to work off of and discuss.

### **NYS DOH WELL TESTING REPORT**

Michael Hartner, Chairman of the Environmental Conservation (ECC) has requested a study of Gardiner's water supply, which will be financed entirely by federal and state funds and completed by late spring 2023. Part of the study focuses on water quality. A presentation was made by representatives of NYSDOH; Steve Winkley, Mark Zartarian and Braden Savage. 200 applications were sent in by Gardiner residents to have their wells tested. 29 were selected for the study. Several contaminants were tested for and it was reported that Gardiner has very hard water and high sulfate levels. Arsenic levels were very low. All contaminants did not exceed drinking water standards.

### **ECC APPOINTMENT**

There were two ECC vacancies. Five applications were received. Supervisor Majestic made a motion to appoint Joan Parker to fill the first vacancy. This was seconded by Councilmember Walls and carried. Councilmembers Carucci and Richman voted nay.

A second motion was made by Councilmember Wiegand, seconded by Councilmember Carucci and carried, to appoint Jules Kaufman for the second vacancy. Both appointments are 7-year terms and expire 2029.

### **RESOLUTION FOR SPECTRUM FRANCHISE AGREEMENT**

Resolution 150 - Offered by Councilmember Walls

In the Matter of the Granting of a Cable Television Franchise Held by **Spectrum Northeast, LLC** in the **Town of Gardiner, County of Ulster, New York**. An application has been duly made to the Board of the **Town of Gardiner County of Ulster New York**, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware

doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the /Town of Gardiner, New York on October 4, 2022 at 7:00 P.M. and notice of the hearing was published in the Times Herald Record on September 21, 2022.

**NOW, THEREFORE**, the Board of the Town of Gardiner finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Gardiner** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Town of Gardiner** for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

**BE IT FURTHER RESOLVED** that the Board of the **Town of Gardiner** hereby confirms acceptance of this franchise renewal agreement.

Seconded by Councilmember Wiegand and carried.

### **LOCAL LAW TO EXCEED THE TAX CAP**

On motion of Councilmember Wiegand, seconded by Councilmember Richman and carried, the local law on the tax cap override was adopted as follows:

A local law to override the tax levy limit established in General Municipal Law § 3-c

#### Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Gardiner pursuant to General Municipal Law § 3-c, and to allow the Town of Gardiner to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

#### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

#### Section 3. Tax Levy Limit Override

The Town Board of the Town of Gardiner, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

#### Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect,

impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

This local law shall take effect immediately upon filing with the Secretary of State.

**AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT WITH GARDINER TRAILS ALLIANCE**

On motion by Councilmember Walls, seconded by Councilmember Wiegand and carried, Supervisor Majestic was authorized to sign the Gardiner Trails Alliance Agreement.

**SUPERVISOR MONTHLY REPORT**

On motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried the September Supervisor's Report was approved as presented.

**CLAIMS**

Claims for the month of September were approved on motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried. They are listed on Abstract #9 as follows: General Fund voucher #427-484 \$41,178.54; Highway Fund voucher # 139-161 \$94,729.83; Sewer Fund voucher #32-34 \$2,701.49.

**BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS**

Resolution No. 151 - Transfer in Sewer Fund – Offered by Councilmember Wiegand, Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$200.00 from Acct No. 03-07-8110-462 CE Tank Replacement to Acct No. 03-07-8110-461 CE Lab Cost. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 152 - Transfer in General Fund – Offered by Councilman Wiegand, Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, General Fund is hereby amended to provide for the transfer of \$135.00 from Acct No. 00-01-1620-417 CE Building Improvements to Acct No. 00-01-1620-413 CE Building General Repairs, \$203.00 from Acct No. 00-01-1620-417 CE Building Improvements to Acct No. 00-01-1620-412 CE Building Electric, \$500.00 from Acct No. 00-02-3620-201 CE Building Capital Equipment to Acct No. 00-02-3620-421 CE Building Office Supplies, \$65.00 from Acct No. 00-02-3620-402 CE Building Mileage to Acct No. 00-02-3620-403 CE Building Conference, \$23.00 from Acct No. 00-07-8160-470 CE Repair and Maintenance to Acct No. 00-07-8160-401 CE Misc. Landfill. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 153 - Supplemental Appropriation in General Fund – Offered by Councilman Wiegand, Resolved, pursuant to Section 122, Town Law, the 2022 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$10,125.00 in Acct No. 00-01-1440-460CE Outside Professional Services, \$2,000.00 in Acct No. 00-07-8020-404 CE Planning Board Engineering, \$500.00 in Acct No. 00-01-1670-421 CE

Office Supplies, \$500.00 in Acct No. 00-07-8010-103 PS ZBA Clerk. Further, resolved, said monies to be taken from unexpended balance in the General Fund. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 154 – Transfer in Highway-General Fund – offered by Councilmember Wiegand, Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, General Fund is hereby amended to provide for the transfer of \$1,000.00 from Acct No. 00-04-5132-489 CE Salt Shed to Acct No. 00-04-5132-401 CE Miscellaneous. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 155 – Transfer in Highway Fund - offered by Councilmember Wiegand, Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, General Fund is hereby amended to provide for the transfer of \$2,100.00 from Acct No. 01-04-5110-460 Outside Professional Service to Acct No. 01-01-5110-108 PS Regular Road Overtime, \$900.00 from Acct No. 01-04-5110-460 Outside Professional Service to Acct No. 01-04-5142-100 PS Overtime Snow. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 156 - Budget Modification in ARPA #40 Fund – Offered by Councilman Wiegand, Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, General Fund – ARPA #40 is hereby amended to provide for the transfer of \$20,000.00 to Acct No. 40-01-1620-201 Capital Equipment, \$452,211.11 to Acct No. 40-01-1789-401 Other/Government, \$10,000.00 to Acct. No. 40-03-4010-400 Public Health, \$15,750.00 to Acct No. 40-19-9901-900 Transfer Out (ARP Bonus), \$507,961.11 Acct No. 40-4089 Revenue.

**PRIVILEGE OF THE FLOOR**

Residents made comments on Lazy River, Community Preservation Plan and the cell tower.

**ADJOURNMENT**

On motion of Councilmember Wiegand, seconded by councilmember Carucci and carried, the meeting adjourned at 9:40 PM.

Respectfully Submitted,

Julia Hansen  
Deputy Town Clerk