

June 14, 2022 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 7 PM. This meeting was conducted as a hybrid - in person and on Zoom. Present were Supervisor Majestic, Councilmembers Carucci, Richman, Walls & Wiegand. There were approximately 60± audience members.

### **ANNOUNCEMENTS**

June 20 – Town Hall and Highway Dept are closed in observance of Juneteenth

July 4 – Town Hall & Highway Dept are closed in observance of Independence Day.

### **ROAD CLOSURE ROUTE 44-55**

A bridge culvert located just outside of the Town on Route 44-55 is currently being replaced. The detour will be changed to a one directional traffic light this week.

### **MORTGAGE TAX**

The Town is in receipt of the first payment of the NYS mortgage tax in the amount of \$175,000+. The Town anticipated a total revenue of \$250,000 for the year. It looks like we will exceed that figure.

### **LAZY RIVER CAMPGROUND FLOATING DISTRICT AND SPECIAL PERMIT PUBLIC HEARING CONTINUATION**

At last week's meeting the Town Board agreed to keep the public hearing open for the Lazy River application for a special permit and a campground floating district. Supervisor Majestic allowed for public comment at this time.

Suzanne Levirne – read a statement regarding her review of the Gardiner Municipal Codes from 1984, 1995, 2003 & 2020. Ms Levirne also outlined the existing improvements that are not any approved site plan. She questioned what others may think about the Lazy River approach to their campground expansion. Just do it and then ask for a waiver. Asked if the waiver is the new get out of jail free card.

Wolfe – Agrees with Suzanne's statement. Our laws need to be followed. He feels Lazy River is more of an amusement park rather than a campground. He read a statement from Lisa Minetto.

David Lawrence – spoke about the campground as it was and still is. Not an amusement park.

Breida Stutzman – Lazy River is nothing like it was years ago. She feels she is being run off her property. The campground needs to come into compliance with the Town laws. The Town Board is the only recourse they have.

Allyson Phillips – attorney for the Town of Gardiner. Ms Phillips commented that the Town has been proactive in amending the zoning and creating a Campground Floating District. This is what is being used to bring the campground into compliance. Lazy River has a legal existing campground. Ms Phillips explained the process to bring a solution to compliance.

Andy Collen – his quality of life is seriously affected by the campground. He urged his neighbors to voice their opinion on the non-compliance.

Mark Stutzman – doesn't misunderstand the process. The campground needs to come into compliance. He feels that the campground has diminished the quality of life for the neighbors and the value of properties surrounding it. A pre-existing campground doesn't mean expanding endlessly. The Town Board's fear of litigation stops them from doing the right thing.

Annie O'Neill – commented that on a Friday afternoon/evening it is difficult to see all the RV's coming through the Town and struggling to get through the Town.

Janine Brutvan – stated that new cabins that have not been approved are now available for rental. There is constant background noise. Their capacity is at the maximum. Northgate (corporation that owns Lazy River) doesn't care about their neighbors. The campground does not improve the Town.

Jay Harlow – The campground is in non-compliance now. Why are we talking about expansion?

Lisa Minetto – Why are our laws not enforced. The campground changes or expands what they want and then they apply for waivers.

Breida Stutzman – stated that the lobster pound property is not part of the existing campground. They are doing a great deal of expansion. As they are using this property for other events. (laser tag, haunted house)

Allyson Phillips – the campground is to submit a landscaping plan for noise mitigation. She spoke about the next steps and the maximum potential build out.

Charles Gottlieb – attorney for Lazy River. Responded that noise mitigation measures are now being addressed. The Town Board can use their plan with their deliberations. Mr. Gottlieb submitted letters of support from a Town business and a County organization.

Councilmember Carucci would like to start to review the mitigation plans and deliberate. If this is not resolved, he cannot in good conscience allow another permit/license for next year.

It was agreed upon by the Town Board on motion of Supervisor Majestic, seconded by Councilmember Walls and carried, to continue the public hearing to the July 12<sup>th</sup> meeting.

### **WIRELESS EDGE APPLICATION**

Attorney Andrew Lessig sat in for the attorney for the Town Victoria Polidoro this evening.

attorney Robert Gaudioso, attorney for Wireless Edge, reviewed the background on the property and the application. The Town Board reviewed the memos from the attorneys.

Councilmember Walls stated that she thinks the highway department property is the perfect site for the cell tower.

Councilmember Richman believes that capacity can be resolved with a tower anywhere in the Town. Spoke about the viewshed and compared the Gunks with the Grand Canyon. Ms Richman believes that the Town does not have to abide by the lease. Encouraged the Board to consider different locations. Is not in favor of this location for the cell tower.

Councilmember Wiegand knows that service is an issue and it is the responsibility of the Town to help provide adequate service. He believes the application is consistent with the Town laws. The application addresses the 110' height and has minimized the visual impact. Would like to move forward with the project.

Councilmember Carucci stated that he understands that this is a NIMBY situation but he believes it boils down to a previous administration signing the lease. He thinks the Neg Dec was premature. Mr. Carucci doesn't like the location but he feels this Board has no choice but to move forward with the project.

Supervisor Majestic also believes this was inherited. She suggested a progress report 6 months down the road to be sure the tower is doing what it proposes. Commented that the tower should be gray not brown. She is concerned with safety of the highway employees. She does however, support the tower.

A motion was made by Supervisor Majestic, seconded by Councilmember Walls and carried, authorizing the attorney to draft a resolution to approve the tower location at the highway garage property, for adoption at next month's meeting. Councilmember Richman voted nay.

Board members then discussed the escalation clause in the lease. The Board would be willing to reduce the escalation clause in exchange for a capped tower height of 120'. An amended lease will be drafted by our attorney for the next meeting.

### **FOOD TRUCKS**

Supervisor Majestic has researched for regulations on food trucks. The Town has none and they abide by the National Fire Prevention Agency.

Ms Majestic drafted a law for the Board to review. Councilmember Walls and Wiegand asked if the Town was having a problem with food trucks. Mr. Wiegand stated this is very low on his agenda. Councilmember Richman would like to take the lead with the law. Councilmember Carucci is less worried about competition and more concerned with cleanliness of the food truck environment.

### **RESOLUTION 2022 SUMMER RECREATION STAFF**

Resolution No. 103 – 2022 Summer Recreation Staff - Offered by Councilmember Carucci Resolved, pursuant to Section 27 of the Town Law and upon the recommendation of the Director of the Summer Recreation Program, the following named persons are hereby employed in the position indicated to be compensated at the hourly wage rate indicated for 2022, to be paid bi-weekly:

Director, Brian Edelstein - \$24.00/hour; Assistant Director Katrina Pisciotta \$17.00/hour; Assistant Director, Rebecca Mele \$16.00/hour; WSI & Lifeguard Sean Geisler \$28.00/hour; Senior Counselors – Ashlee Gagliardi, Katie Every, Matt Sabarese, Briana Carlini and Kiera Power \$14.00/hour; 2<sup>nd</sup> year Counselors – Levi Neuwirth, Emily Clark, Darius Youssefbaik and Pierce Lutz \$13.50/hour; 1<sup>st</sup> year Counselors Gabriella Lutz, Luke Boettcher, Ezra Allibone, Leone Schikowitz, Shea Meier, Ricky Kinyon, Abigail Martin, Saul Ortiz, Nicholas Landol, Hannah Robb and Olive Adamek \$13.20/hour.

Seconded by Councilmember Wiegand and carried.

### **NEW PALTZ CENTRAL SCHOOL DISTRICT BUSING AGREEMENT**

On motion of Councilmember Walls, seconded by Councilmember Wiegand and carried, Supervisor Majestic was given authorization to sign a busing agreement for the summer recreation program to transport campers for Friday field trips.

### **MINUTES**

Minutes of May 3 and May 10 were approved as written on motion of Councilmember Wiegand, seconded by Supervisor Majestic and carried.

### **SUPERVISOR REPORT**

The Supervisor report for the month of May was approved as presented on motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried. Supervisor Walls was absent for the vote.

### **CLAIMS**

Claims for the month of May were approved for payment on motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried. They are listed on Abstract # 5 as follows: General Fund voucher #219-276 \$25,283.34; Highway Fund voucher # 82-98 \$2,4,512.30; Sewer Fund voucher #14-17 \$4,879.74. Supervisor Walls was absent for the vote.

**BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS**

Resolution No. 104– 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 a supplemental appropriation in the amount of \$2,184.00 in Acct No. 03-07-8110-472 CE I&I Study.

Further Resolved, said money to be taken from the Unexpended Balance in the Sewer Fund.  
Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 105– Supplemental Appropriation in Highway Fund – Offered by  
Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, Highway Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$15,750.00 in Acct No. 01-04-5110-124 ARP Bonus 7 men.

Further Resolved, said money to be taken from the Unexpended Balance in the ARP #40 Fund.  
Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 106– Supplemental Appropriation 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 supplemental appropriations in the amount of \$2,250.00 in Acct No. 00.01.1410.105 Deputy Clerk ARP Bonus, 41,250.00 in Acct No. 00.02.3620.106 Bldg Clerk ARP Bonus, 41,250.00 in Acct No. 00.04.5132.105 Sec Highway Dept, \$1,250.00 in Acct No. 00.06.7110.104 Park Pers, ARP Bonus, \$1,250.00 in Acct No. 00.07.8160.104 Transfer Station Att ARP Bonus, \$630.00 from Acct No.00.01.1910.4400 CE Insurance and \$75.00 in Acct No. 00.01.1920.400 CE Municipal Dues.

Further Resolved, said money to be taken from the Unexpended Balance in the ARP #40 Fund.  
Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 107– Transfer in 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 \$33.75 from Acct No. 00.02.3620.401 CE Misc to Acct No. 00.02.3620.421 CE Bldg Dept. Office Supplies and \$52.65 from Acct No. 00.06.7110.412 CE Electric to Acct No. 00.06.7110.463 CE EV Station Electric.

Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 108– Transfer in Highway Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$15,000.00 from Acct No. 01.04.5110.400 CE Contract expenses to Acct No. 01.04.5120.400 CE Bridge Culverts.

Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 109– Supplemental Appropriation in Highway Fund – Offered by  
Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, Highway Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$150,000.00 in Acct No. 01-04-5110-397 Clove Rd.

Further Resolved, said money to be taken from the Unexpended Balance in the Highway Fund. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 110– Transfer in Highway Fund – Offered by Councilmember Wiegand Resolved, pursuant to Section 112, Town Law, the 2022 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$80,000.00 from Acct No. 01.04.5112.336 Permanent Improvements to Acct No. 01.04.5112.396 Trapps Rd and \$70,000.00 from Acct No. 01.04.5112.336 Permanent Improvements to Acct No. 01.04.5112.397 Clove Rd. Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

**PRIVILEGE OF THE FLOOR**

Linda Goldsmith – is disappointed by the Town Board decision on the cell tower. There is no data to prove the need for an additional cell tower. What happens if this does not solve the problem.

David Kiviat – is also disappointed with the cell tower decision. Is requesting mitigating the view of the tower to make it look more like a tree.

Annie O’Neill – couldn’t studies be done at Wright’s Farm for a second tower.

**ADJOURNMENT**

On motion of Councilmember Walls, seconded by Supervisor Majestic and carried, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk