

June 7, 2022 – Workshop 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 77± audience members.

### **ANNOUNCEMENTS**

June 20 – Town Hall & Highway Department will be closed in observance of Juneteenth.

July 4 – Town Hall & Highway Department will be closed in observance of Independence Day.

### **FALL PARK DEVELOPMENT**

Supervisor Majestic met with the Fall Park Developers on Friday June 3 who had questions on the sewer treatment system, procedures and policies.

### **PUBLIC HEARING - LAZY RIVER CAMPGROUND SPECIAL PERMIT APPLICATION**

Supervisor Majestic announced that there will be no deliberations tonight. The Town Clerk read the Public Notice at 7:05 PM and the hearing was opened to the public.

Attorney Charles Gottlieb – reviewed a summary of the most recent timeline. This included noise, buffers, timing of events and security protocol. Mr. Gottlieb commented that the Gardiner Fire Dept. will conduct a training exercise for all Lazy River employees on June 20.

Ralph Erenzo – stated that the applicants' submittal should be a moot subject due to the violations on the property at present. Mr. Erenzo questioned the temporary structures.

Suzanne Levirne – the campground was never an issue until 2014. The noise and music is very loud. Ms Levirne spoke about the waivers requested and stated that Lazy River should be held to the same standards as other businesses.

Jay Harlow – supports Ralph Erenzo's statement. Asked about the violations that exist now and why they are allowed to continue. Lazy River violates what the Town has in place currently in the law. Nothing should be considered until all the violations are addressed.

Jill Berger – It is an offensive viewshed. Rules are meant to be followed. Nothing should be given until the violations are addressed. Also is concerned with water usage and waste disposal.

Janine Brutvan – stated that her neighbors are affected by sound, light pollution and excessive smoke. When will they stop with expansion?

Andy Collen – lives a ¼ of a mile from campground. It is so loud on weekends they can't enjoy their own home. Lazy River does not care about the neighbors and will continue to expand with no repercussions. Our Town government should be setting an example – follow the law!

Mark Stutzman – lived by a quiet lovely campground until 2014. Now it is owned by a conglomerate that has no ties to the community. For years they have had endless violations. The Town Board needs to be bold and protect the taxpayers. Zoning laws are to protect the Town from these types of businesses. He implores the Town Board to take this seriously. They are currently illegally using the former lobster pound property. He is also concerned with the septic and the lack of an emergency egress.

Carl Zatz – spoke about the lights out law in New York State and New York City. Commented on the sound/noise created from the “theme park” not a campground!

Marty Brutvan – nothing new with complaints. They have been doing this for years. Has no trust to the claims on Lazy River's mitigation plan. This is not a campground! It is more like an amusement park/nightclub.

Linda Geary – can hear the noise at her home on Sand Hill Rd. Does not believe that the campground helps local businesses or helps in promoting tourism.

Lydia Brutvan – there is an alarming number of people in the Town that are not residents during the summer months. There is absolutely no regard for the neighbors.

Sonam – lives on Sand Hill Rd. Supports all points said tonight. Asked about Town Board members who have been employed by Lazy River. What the Town Board is doing is hypocritical

Jay Harlow – the Town stood up to Stewart’s and Marriott. Let’s stand up to Lazy River.

Jordan Berger – supports all residents who are opposed to Lazy River.

Board members agreed to keep the public hearing opened until the June 14<sup>th</sup> meeting.

**COMMUNITY PRESERVATION PLAN**

Tonight, the Town Board will review the proposed plan. There will be no questions or comments.

Board members first discussed the number of committee members to the Fund and Advisory Board. On motion of Councilmember Richman, seconded by Councilmember Walls and carried, the committee shall be seven (7) members. Councilmember Wiegand voted nay.

Board members agreed to a 1.25% transfer tax on motion of Supervisor Majestic, seconded by Councilmember Carucci and carried. Councilmember Wiegand voted nay.

**RESOLUTION SEQR - LEAD AGENCY & CLASSIFYING ACTION**

Resolution No. 98 -

A regular meeting of the Town Board of the Town of Gardiner, Ulster County, New York, was convened in public session and via videoconference and/or teleconference pursuant to NYS Laws Ch. 1 of 2022 and Executive Order 11, as amended, on June 7, 2022 at 7:00 p.m., local time. A live transmission was available to the public as described in the notice of hearing attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such Executive Order.

The meeting was called to order by Supervisor Majestic, and, upon roll being called, the following members were (Note: Where members are marked Present, specify whether In Person at the Town Hall, 2340 State Route 44/55, Gardiner, New York, via Videoconference, or via Teleconference):

	Present	Absent
Supervisor Marybeth Majestic	VIA In Person	
Councilmember Warren Wiegand	VIA In Person	
Councilmember Laura Faye Walls	VIA In Person	
Councilmember Carol Richman	VIA In Person	
Councilmember Franco Carucci	VIA In Person	

The following resolution was offered by Councilmember Walls, seconded by Councilmember Carucci to wit;

Resolution No. 98- 2022 - Dated June 7, 2022 -Resolution  
Classifying Action and Establishing Lead Agency Type I Action

**WHEREAS**, the Town Board of the Town of Gardiner is considering establishment of a Community Preservation Fund by local law pursuant to Section 6-s of the General Municipal Law, the adoption of a Community Preservation Project Plan by local law, and the adoption of a local law to impose a real estate transfer tax on conveyances within the Town pursuant to Tax Law Article 33-B in the Town of Gardiner, Ulster County, New York; and

**WHEREAS**, Part I of a Full Environmental Assessment Form (EAF) dated June 7, 2022 has been prepared to address potential environmental impacts of the action; and

**WHEREAS**, the Board has reviewed the thresholds for Type I and Type II actions set forth in 6 NYCRR 617.4 and 617.5; and

**WHEREAS**, after examining the EAF the Town Board has determined that there are no other involved and/or federal agencies on this matter since no other agency has approval authority with respect to the proposed action;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Gardiner (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

The Supervisor is authorized and directed to execute Part 1 of the EAF.

Town Board of the Town of Gardiner hereby determines that the proposed action is a Type I action.

The Town Board of the Town of Gardiner hereby declares itself Lead Agency for the review of this action, as it is the only involved agency.

That a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.

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

<b><u>VOTE</u></b>	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSTAIN</u></b>
Supervisor Marybeth Majestic	X		
Councilmember Warren Wiegand		X	
Councilmember Laura Faye Walls	X		
Councilmember Carol Richman	X		
Councilmember Franco Carucci	X		

The foregoing resolution was thereupon declared duly adopted.

**RESOLUTION COMMUNITY PRESERVATION & ADVISORY BOARD PUBLIC HEARING**

Resolution No. 99 -

A regular meeting of the Town Board of the Town of Gardiner, Ulster County, New York, was convened in public session and via videoconference and/or teleconference pursuant to NYS Laws Ch. 1 of 2022 and Executive Order 11, as amended, on June 7, 2022 at 7:00 p.m., local time. A live transmission was available to the public as described in the notice of hearing attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such Executive Order.

The meeting was called to order by Supervisor Majestic, and, upon roll being called, the following members were (Note: Where members are marked Present, specify whether In Person at the Town Hall, 2340 State Route 44/55, Gardiner, New York, via Videoconference, or via Teleconference):

	Present	Absent
Supervisor Marybeth Majestic	VIA In Person	
Councilmember Warren Wiegand	VIA In Person	
Councilmember Laura Faye Walls	VIA In Person	
Councilmember Carol Richman	VIA In Person	

Councilmember Franco Carucci	VIA In Person	
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The following resolution was offered by Supervisor Majestic, seconded by Councilmember Walls to wit;

Resolution No. 99 – 2022 – Dated: June 7, 2022 -

Resolution To Schedule A Public Hearing On Proposed Local Law B (Proposed) Of 2022 Relating To The Establishment Of A Community Preservation Fund And Advisory Board

**WHEREAS**, a proposed form of Local Law No. B [Proposed] of 2022 entitled **A LOCAL LAW ESTABLISHING A COMMUNITY PRESERVATION FUND AND CREATING A COMMUNITY PRESERVATION FUND ADVISORY BOARD AS AUTHORIZED BY GENERAL MUNICIPAL LAW § 6-s FOR THE PURPOSE OF PRESERVING NATURAL, SCENIC, HISTORIC AND OPEN SPACE RESOURCES WITHIN THE TOWN**” has been submitted to the Town Board of the Town of Gardiner on June 7, 2022;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Gardiner (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

The Town Board of the Town of Gardiner shall hold a public hearing on July 12, 2022, at 7:00 p.m. in the manner set forth in the attached notice of public hearing to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Town Board whether to adopt said local law.

The Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the Times Herald-Record, the official newspaper of said Town, on or before July 7, 2022, which is not less than five days prior to the date of said public hearing. The Town Clerk is further authorized and directed to post such notice on the Town Clerk’s signboard and on the Town website.

The Town Clerk shall provide copies of such notice of public hearing to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Commissioner of the NYS Department of Taxation and Finance.

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

<b>VOTE</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>
Supervisor Marybeth Majestic	X		
Councilmember Warren Wiegand		X	
Councilmember Laura Faye Walls	X		
Councilmember Carol Richman	X		
Councilmember Franco Carucci	X		

The foregoing resolution was thereupon declared duly adopted.

**RESOLUTION COMMUNITY PRESERVATION PLAN PUBLIC HEARING**

Resolution No. 100 -

A regular meeting of the Town Board of the Town of Gardiner, Ulster County, New York, was convened in public session and via videoconference and/or teleconference pursuant to NYS Laws Ch. 1 of 2022 and Executive Order 11, as amended, on June 7, 2022 at 7:00 p.m., local time. A live transmission was available to the public as described in the notice of hearing attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such Executive Order.

The meeting was called to order by Supervisor Majestic, and, upon roll being called, the following members were (Note: Where members are marked Present, specify whether In Person at the Town Hall, 2340 State Route 44/55, Gardiner, New York, via Videoconference, or via Teleconference):

	Present	Absent
Supervisor Marybeth Majestic	VIA In Person	
Councilmember Warren Wiegand	VIA In Person	

Councilmember Laura Faye Walls	VIA In Person	
Councilmember Carol Richman	VIA In Person	
Councilmember Franco Carucci	VIA In Person	

The following resolution was offered by Councilmember Walls seconded by Councilmember Carucci to wit;

Resolution No. 100 -Resolution to Schedule a Public Hearing on Proposed Local Law C (Proposed) of 2022 Relating to the Adoption of a Community Preservation Project Plan

**WHEREAS**, a proposed form of Local Law No. C [Proposed] of 2022 entitled “**A LOCAL LAW ADOPTING A COMMUNITY PRESERVATION PROJECT PLAN**” has been submitted to the Town Board of the Town of Gardiner on June 7, 2022; and

**WHEREAS**, the purpose of this local law is to meet and implement the requirements of § 6-s of the General Municipal Law by establishing and creating the Town of Gardiner Community Preservation Project Plan to help guide the Town’s efforts to preserve natural, scenic, historic and open space resources within the Town;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Gardiner (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

The Town Board of the Town of Gardiner shall hold a public hearing on July 12, 2022, at 7:00 p.m. in the manner set forth in the attached notice of public hearing to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Town Board whether to adopt said local law.

The Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the Times Herald-Record, the official newspaper of said Town, on or before July 7, 2022, which is not less than five days prior to the date of said public hearing. The Town Clerk is further authorized and directed to post such notice on the Town Clerk’s signboard and on the Town website.

The Town Clerk shall provide copies of such notice of public hearing to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Commissioner of the NYS Department of Taxation and Finance.

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

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Marybeth Majestic	X		
Councilmember Warren Wiegand		X	
Councilmember Laura Faye Walls	X		
Councilmember Carol Richman	X		
Councilmember Franco Carucci	X		

The foregoing resolution was thereupon declared duly adopted.

### **RESOLUTION COMMUNITY PRESERVATION PLAN TRANSFER TAX**

Resolution No. 101-

A regular meeting of the Town Board of the Town of Gardiner, Ulster County, New York, was convened in public session and via videoconference and/or teleconference pursuant to NYS Laws Ch. 1 of 2022 and Executive Order 11, as amended, on June 7, 2022 at 7:00 p.m., local time. A live transmission was available to the public as described in the notice of hearing attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such Executive Order.

The meeting was called to order by Supervisor Majestic, and, upon roll being called, the following members were (Note: Where members are marked Present, specify whether In Person

at the Town Hall, 2340 State Route 44/55, Gardiner, New York, via Videoconference, or via Teleconference):

	Present	Absent
Supervisor Marybeth Majestic	VIA In Person	
Councilmember Warren Wiegand	VIA In Person	
Councilmember Laura Faye Walls	VIA In Person	
Councilmember Carol Richman	VIA In Person	
Councilmember Franco Carucci	VIA In Person	

The following resolution was offered by Councilmember Walls seconded by Councilmember Carucci to wit;

Resolution No. 10 - Dated June 7, 2022 - Resolution To Schedule A Public Hearing On Proposed Local Law D (Proposed) Of 2022 Relating To A Real Estate Transfer Tax For The Community Preservation Fund

**WHEREAS**, a proposed form of Local Law No. D [Proposed] of 2022 entitled “**A LOCAL LAW TO PROTECT THE WATER QUALITY OF RIVERS, LAKES, AND STREAMS, INCLUDING THE WALLKILL RIVER; PROTECT THE WATER QUALITY OF GARDINER’S DRINKING WATER; PRESERVE WORKING FARMS; ESTABLISH PARKS AND RECREATIONAL AREAS; AND PROTECT HISTORIC RESOURCES AND NATURAL AREAS BY CREATING A 1.25% PERCENT REAL ESTATE TRANSFER TAX ON THE CONVEYANCE OF INTERESTS IN REAL PROPERTY IN THE TOWN, WITH REVENUES FROM THIS TAX TO BE DEPOSITED IN THE TOWN OF GARDINER COMMUNITY PRESERVATION FUND, WHICH MAY BE MATCHED BY STATE AND FEDERAL FUNDING AND WHICH WILL REQUIRE FULL PUBLIC DISCLOSURE OF ALL SPENDING**” has been submitted to the Town Board of the Town of Gardiner on June 7, 2022;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Gardiner (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

The Town Board of the Town of Gardiner shall hold a public hearing on July 12, 2022, at 7:10 p.m. in the manner provided in the notice of public hearing attached hereto to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Town Board whether to adopt said local law.

The Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the Times Herald-Record, the official newspaper of said Town, on or before July 7, 2022, which is not less than five days prior to the date of said public hearing. The Town Clerk is further authorized and directed to post such notice on the Town Clerk’s signboard and on the Town website.

The Town Clerk shall provide copies of such notice of public hearing to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Commissioner of the NYS Department of Taxation and Finance.

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

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Marybeth Majestic	X		
Councilmember Warren Wiegand		X	
Councilmember Laura Faye Walls	X		

Councilmember Carol Richman	X		
Councilmember Franco Carucci	X		

The foregoing resolution was thereupon declared duly adopted.

Councilmember Wiegand stated that he supports the Community Preservation Plan but can't support the public hearings for the 3 local laws. He needs more time to understand the process. The community doesn't know enough to proceed. The 1<sup>st</sup> meeting held only 24 residents attended. The Town Board is going too fast. He has spoken to many residents and found the vast majority did not know about the additional tax. He is recommending that this be put on hold and do the referendum in 2023. Councilmember Richman stated that the public has had the opportunity to know about the plan. She believes there is plenty of time to make a decision. Councilmember Walls, while she appreciates Mr. Wiegand thoughts, she feels comfortable going forward. Councilman Carucci echoes Ms Walls. There will be plenty of opportunity to educate the community. He supports moving forward. Supervisor Majestic also feels there is plenty of time for outreach and education. She supports moving forward.

**SCHEDULE SPECIAL MEETING FOR ADOPTION OF THE LOCAL LAW FOR THE TRANSFER TAX**

The local law to adopt the transfer tax must be adopted at a separate meeting. For this reason, a special meeting was scheduled for July 27, 2022 at 7PM on motion of Supervisor Majestic, seconded by Councilmember Richman and carried.

**LETTER OF ENGAGEMENT UHY**

On motion of Councilmember Wiegand, seconded by Supervisor Majestic and carried, the Supervisor was authorized to sign the letter of engagement with UHY to conduct an audit. Councilmembers Walls and Richman voted nay. Motion carries.

**APPOINTMENT OF PLANNING BOARD AND ZONING BOARD OF APPEALS CLERK**

Resolution No. 102 - Part Time Planning Board/Zba Clerk

Offered by Supervisor Majestic

The Town Board hereby authorizes and consents to the appointment of Michael Makely as Part Time Planning Board/ZBA Clerk, to receive a salary of \$21.00 per hour to be paid bi-weekly and to serve at the pleasure of the Planning Board/ZBA.

Further Resolved, that Michael Makely shall not be eligible for certain insurance benefits as a part-time employee of the Town.

Seconded by Councilmember Wiegand and carried.

**ARP PREMIUM PAY**

On motion of Councilmember Wiegand, seconded by Councilmember Walls and carried, premium pay will be also distributed to the Court Clerk, Bookkeeper, Assessor Clerk and Assistant to the Supervisor. Full-time employees will receive \$2,250 and part-time will receive \$1,250.

**EMERGENCY REPAIR AT TRANSFER STATION**

The catwalks at the transfer station have deteriorated and are in need of an emergency repair. Supervisor Majestic has received a quote from Fall Fittings to repair them at a cost of \$13,477.

In addition, safety railings will be installed at a cost of \$3,600. A motion was made by  
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Councilmember Wiegand, seconded by Councilmember Walls and carried, authorizing the emergency repairs.

**PRIVILEGE OF THE FLOOR**

Suzanne Levirne – asked for an overlay of the foot print of the RV’s at Lazy River. If the Town attorney will be present at the next meeting, will they be able to ask her questions.

Scott Mosher – commented on the deliveries made at the new location of the wine shop. The road is fully blocked until all is unloaded.

Kim Mayer – is concerned with air quality and smoke pollution at her house due to the campfires at Lazy River

**ADJOURNMENT**

On motion of Councilmember Richman, seconded by Supervisor Majestic and carried, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Michelle L. Mosher  
Town clerk