

July 12, 2022 – Monthly Meeting

The monthly 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, Councilmember, Richman, Walls & Wiegand. Councilmmember Carucci was absent. There were approximately 67± audience members.

ANNOUNCEMENTS

Clove Road will be closed July 13 – 15 for paving.

Ulster County Legislature will be voting on a resolution this month regarding distribution of sales tax.

AMENDED COMMUNITY PRESERVATION PLAN PRESENTATION

David Dukler and Jean Ann McGrane reviewed the proposed Community Preservation Plan with a power point presentation. The meeting was then turned over to Neil Curri. Mr. Curri reviewed the changes made to the overall scoring for certain properties where errors were identified. The correction made to these properties were not significant but warranted the amendment to the plan.

PUBLIC HEARINGS FOR LOCAL LAWS B, C & D – COMMUNITY PRESERVATION

At 7:35 PM the Town Clerk read each public hearing notice concurrently for each of the local laws. Supervisor Majestic opened the hearings to the public for any questions and/or comments. Jason Mayer – endorses the plan and commented about the natural resources, air & water quality and how the Community Preservation Plan will protect the beauty of Gardiner.

Mike Hartner – spoke about growing up in Bethpage NY and how suburban sprawl has changed the entire area. Inconceivable that this could happen in Gardiner. The Community Preservation Plan protects the Town from suburban sprawl.

Rebecca Fullam – Fully supports the plan. Spoke about her experiences as a first-time farmer and the challenges she is up against when leasing land for farming. The Community Preservation Plan will help preserve land.

Roberta Clements – spoke on the letter received by the Town from Ulster County Board of Realtors. She cited misinformation in the letter.

Neil Rindlaub – spoke to the tax as a one-time tax and how the money will stay in the Town of Gardiner.

Suzanne Levirne – supports the plan. Will protect the visual of open space in the Town.

Morey Gottesman – supports the plan and thanked everyone who worked on it.

Councilmember Wiegand asked how and who identified the errors in the plan. Neil Curri explained how he reviewed the plan and found the errors. Mr. Wiegand asked what the total number of parcels used for the scoring.

Board members decided to keep all three (3) public hearings open to the July 20 meeting beginning 7 PM on motion of Supervisor Majestic, seconded by Councilmember Walls and carried. Councilmember Wiegand voted nay.

CONTINUATION OF PUBLIC HEARING LAZY RIVER CAMPGROUND FLOATING DISTRICT AND SPECIAL PERMIT

The Town is in receipt of a new submission from Lazy River's attorney Charles Gottlieb that address mitigation, park model RV's, lighting, landscaping and noise. Mr. Gottlieb stated that the campground received 2 complaints over the July 4th holiday weekend. Due to those complaints the hayride times were changed. He also indicated that the DJ was indoors at all times. Noise is

not coming from the expansion. Attorney Allyson Phillips has reviewed the submission but needs to review the park RV section more in-depth. The public hearing was open to the public.

Tim Taylor – asked why the lobster pound property was allowed to be used as campsites.

Tica Cotter – asked the Town Board to hold Lazy River accountable for their violations.

Suzanne Levirne – spoke about the Lazy River waiver requests. And cited several waivers that do not protect the interests of residents or their everyday life. Ms Levirne asked the Board to protect the residents from Lazy River’s continuing destruction of our way of life. Ms Levirne also read statements from two neighbors.

Janine Brutvan – commented that there was 2 weeks of quiet and the loud noises were back.

Population density is the cause of the noise. There is a constant din.

Mark Stutzman – stated that Lazy River cannot meet the Campground Floating District law – period. His property is unenjoyable. The Town Board needs to enforce the zoning laws.

Commented that the chairman of the Planning Board is the primary earth moving contractor for Lazy River. Clearly this is a conflict of interest. Stated he is ready to hire a law firm to combat this application.

Jill Berger – Is concerned with the water table. She does not see how this application can be approved. There is currently a lawsuit against the Town. The litigation is still pending.

Christine Desmoni – works at Lazy River and commented that they are respectful to the neighbors in many ways.

Sam Cristler – opposed to any of the waivers. Asked the Town Board to vote against the project.

Janine Brutvan – they keep calling this a resort. Then why are they applying for a campground.

CLOSE LAZY RIVER PUBLIC HEARING

On motion of Councilmember Walls, seconded by Councilmember Wiegand and carried, the public hearing was closed at 9 PM.

RESOLUTION LIBRARY 414 PETITION

Norma Lana, President of the Library Board of Trustees, explained the reasoning behind the requested increase. Town Board members accepted the petition and adopted the following resolution on motion of Councilmember Wiegand, seconded by Councilmember Walls and carried.

Resolution No 111- Library 414 Referendum

WHEREAS, the Board of Trustees of the Gardiner Town Library has presented a petition executed by qualified voters of the Town of Gardiner who represent at least ten (10%) percent of the total number of votes cast in the Town of Gardiner at the last gubernatorial election, which requests that the following question be placed on the ballot and voted on in the next general election of the Town of Gardiner:

“Shall the annual contribution of the Town of Gardiner for the operating budget of the Gardiner Library be increased by Nineteen Thousand Two Hundred and Fifty-Five (\$19,255.00) Dollars, to the sum of Two Hundred Ninety-Four Thousand Three Hundred and Thirty-One (\$294,331.00) Dollars annually?”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner directs that the Town of Gardiner Town Clerk send to the Ulster County Board of Elections the aforesaid question with a request that same be placed upon the ballot of the Town of Gardiner and voted on at the next general election, to be held on November 8, 2022.

RESOLUTION AMENDING 284 AGREEMENT FOR 2022

Resolution No. 112 - Funding from The General Fund for the Paving of Clove Road

Offered by Councilmember Walls

Whereas, the Town of Gardiner Highway Superintendent has determined that Clove Road, requires various improvements including paving said town highway; and

Whereas there are presently insufficient funds in the Highway section 141 account to complete said work; and

Whereas the Town of Gardiner’s general fund has surplus monies available to supplement the section 141 account for purposes of improving and paving Clove Road which is a town highway in general use with the same tax base as the general fund;

NOW THEREFORE BE IT Resolved, that the Town Board of the Town of Gardiner hereby authorizes and directs that \$135,000.00 dollar of surplus monies in the town’s general fund be transferred to supplement the funds in the section 141 account for the purpose of improving and paving Clove Road.

Seconded by Councilmember Wiegand and carried.

RESOLUTION LUMENS HOLDING PILOT PROGRAM

Resolution No. 113- Authorization to Enter into a Pilot Agreement with Lumens Holdings 3, LLC For a Solar Energy Facility at 262 Libertyville Road (SBL #93.1-3-12.2) - Offered by Councilmember Wiegand

WHEREAS, the Applicant Lumens Holdings 3, LLC (the “Company”) has received municipal approvals for the approval, construction and operation of an approximately 2 MW solar energy facility on a parcel of land located at 262 Libertyville Road (SBL #93.1-3-12.2) (the “Project”); and

WHEREAS, the Town of Gardiner approval was expressly conditioned and contingent on the Company and the Town entering into and executing a PILOT Agreement in an amount of not less than \$7,000 per MW to be split, in a manner to be determined at a later date, among the applicable taxing jurisdictions; and

WHEREAS, the Town of Gardiner Town Board agrees to enter into a PILOT Agreement for the Project using the standard Ulster County PILOT Agreement form; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GARDINER, NEW YORK AS FOLLOWS: RESOLVED, the Town Supervisor is hereby authorized and directed to execute and deliver the foregoing PILOT Agreement on behalf of the Town in an amount of not less than \$7,000 per MW with the terms of the PILOT Agreement to be subject to approval by the Attorney for the Town; and **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Seconded by Councilmember Walls and carried.

RESOLUTION WALLKILL VALLEY LAND TRUST REHAB SEQR

Resolution No. 115- Wallkill Valley Rail Trail Rehabilitation Project SEQR Determination - Offered by Councilmember Walls

WHEREAS the Town Board has reviewed the project information package provided by the Open Space Institute (OSI) describing the scope of work required to rehabilitate the existing 3.21-mile section of the Wallkill Valley Rail Trail; and,

WHEREAS the project will include the following components:

- Address minor drainage issues at selected locations along the trail corridor.

- Selectively remove vegetation to improve sight lines at road crossings, and remove dead and unhealthy trees along the trail corridor.
- Install a new 10-foot wide compacted stonedust trail surface.
- Bring all Village, Town, and County trail/road crossings up to current standards by installing signage, painted crosswalks, ADA detectable warning strips, and short paved trail aprons.
- To the extent necessary, install safety fencing where there are steep drop-offs next to the trail; and,

WHEREAS the Town Board has determined that the project would be classified as a Type II Action according to 6 NYCRR Part 617.5 and is not subject to further review under 6 NYCRR Part 617 according to the following Type II criteria:

- Section 617 (c)(1). Maintenance or repair involving no substantial changes in an existing structure or facility; and
- Section 617 (c)(2). Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Gardiner by vote at this meeting that this project requires no further processing under SEQR.

Seconded by Councilmember Wiegand and carried.

RESOLUTION AMENDMENT TO WIRELESS EDGE LEASE AGREEMENT

The Town Board met with Wireless Edge attorney Robert Gaudio and applicant John Arthur via Zoom to adopt a resolution that will amend the lease between Wireless Edge and the Town of Gardiner, amending the escalation clause in the current lease. After much discussion, Board members opted to hold off on adoption as there seems to be confusion with the height of the cell tower. Board members were not willing to move forward with the Special Permit as well.

INCREASE IN FEDERAL MILEAGE REIMBURSEMENT

Resolution No. 114 - Increase of Federal Mileage Rate for Compensation for Use of Automobile -Offered by Councilmember Wiegand

Resolved, pursuant to Town Law that public officials and employees authorized to use their privately-owned vehicles for official duties shall be reimbursed at the increased Federal rate of 62.5 cents per mile effective July 1, 2022 for the use of their personal vehicles payable upon itemized voucher claim.

Seconded by Councilmember Walls and carried.

MINUTES

On motion of Supervisor Majestic, seconded by Councilmember Wiegand and carried, minutes of May 17 and June 7 were approved as written.

SUPERVISOR'S MONTHLY REPORT

On motion of Councilmember Wiegand, seconded by Councilmember Richman and carried, the June Supervisor report was approved as present.

CLAIMS

Claims for the month of June were approved for payment on motion of Councilmember Wiegand, seconded by Supervisor Majestic and carried. They are listed on Abstract #6 as

follows: General Fund voucher #277-367 \$111,841.78; Highway Fund voucher #99-120 \$31,559.47; Sewer Fund voucher #18-25 \$ 10,515.78.

BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS

Resolution No. 116– Supplemental Appropriation 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 supplemental appropriations in the amount of \$2,250.00 in Acct No. 00.01.1110.105 ARP Bonus Court, \$62,063.50 in Acct No. 00.01.1440.464 Clove Road, \$3,500.00 in Acct No. 00.01.1220.106 ARP Bonus Supervisor Dept., \$850.00 in Acct No. 00.01.1320.400 CE CPA Service and \$1,250.00 in Acct No. 00.01.1355.105 ARP Bonus Assessor Fieldworker.

Further Resolved, said money to be taken from the Unexpended Balance in the General Fund. Seconded by Councilmember Richman and carried.

Resolution No. 117– 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 \$1,500.00 in Acct No. 03.07.8110.463 CE Electric and \$1,746.00 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 Richman and carried.

Resolution No. 118– 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 \$29,235.16 from Acct No. 01.04.5110.117 PS Scofield to Acct No. 01.04.5110.126 PS Caston.

Seconded by Councilmember Richman and carried.

Resolution No. 119– 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 Richman and carried. Councilmember Walls was absent.

Resolution No. 120– 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

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

Resolution 121 - 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 Richman and carried.

Resolution 122 - 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 \$842.00 from Acct No. 00.06.7310.420 CE Arts & Crafts Youth Program to Acct No. 00.06.7310.430 CE Supplies and \$180.00 from Acct No. 00.07.8110.403 PS ZBA Conference & Education to Acct No. 00.07.8110.103 PS ZBA Secretary.
Seconded by Councilmember Richman and carried. Councilmember Walls was absent.

PRIVILEGE OF THE FLOOR

Linda Goldsmith – confused about the height of the cell tower. Is concerned with any additions of antennas.

Janet Kern – spoke about the lack of action of the Town Board on the violations at Awosting Club. They are not playing by the rules and continue to operate outside of compliance. Why?

ADJOURNMENT

On motion of Councilmember Wiegand, seconded by Councilmember Walls and carried the meeting was adjourned at 10 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk