

July 27, 2022 – Special Meeting

A special meeting of the Gardiner Town Board was held this evening at 7 PM for the purposes of the continuation of the Public Hearing on Local Law D of the Community Preservation Project. This meeting was held as a hybrid, in person and on Zoom. Present were Supervisor Majestic and Councilmembers Carucci, and Richman. Councilmembers Walls and Wiegand were absent. There were approximately 5± audience members present.

**CONTINUATION OF PUBLIC HEARING FOR LOCAL LAW D – REAL ESTATE TRANSFER TAX**

Supervisor Majestic allowed for public comment at this time. There being none the Town Board closed the hearing.

**CLOSE PUBLIC HEARING LOCAL LAW D – REAL ESTATE TRANSFER TAX**

On motion of Councilmember Carucci, seconded by Councilmember Richman and carried, the public hearing for Local Law D – Real Estate Transfer Tax was closed at 7:12 PM.

**RESOLUTION SPEED REDUCTION CLOVE ROAD**

**Resolution No. 126-Clove Road** - Offered by Councilmember Richman

Resolved, pursuant to Section 1622.1 of the Vehicle and Traffic Law of New York State, the Town Board of the Town of Gardiner, in recognition of the needs for safety of the highway cited in light of the traffic currently using said Gardiner portion of the highway, from Route 44/55 to Town line with Rochester, hereby request that a lower maximum speed of 40 miles per hour be established on Clove Roads, a Town highway, maintained by the Town of Gardiner. Seconded by Councilmember Carucci and carried.

Councilmember Walls arrived to the meeting at 7:20 PM

**ADOPTION LOCAL LAW NO 4 – REAL ESTATE TRANSFER TAX**

**Resolution No. 127 - Dated: July 27, 2022**

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 July 27, 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	X
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. 127-2022 - Dated July 27, 2022**

**AUTHORIZING THE ADOPTION BY THE TOWN BOARD OF THE TOWN OF GARDINER OF LOCAL LAW NO. 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**” (the “Proposed Local Law”) was presented to the Town Board of the Town of Gardiner at a regular meeting held on June 7, 2022; and

**WHEREAS**, on June 7, 2022, the Town Board reviewed a Full Environmental Assessment Form (FEAF) and classified Local Law D (Proposed) of 2022 as a Type I action under SEQRA and declared its intent to serve as lead agency; and

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Gardiner on June 7, 2022, setting a public hearing to be held by said Town Board on July 12, 2022 at 7:10 p.m. via in person, teleconference or videoconference, to hear all interested parties on a proposed local law; and

**WHEREAS**, notice of said public hearing was duly advertised 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; and

**WHEREAS**, said public hearing was duly held on July 12, 2022 via in person, teleconference or video conference at said time, and all parties were permitted an opportunity to comment on behalf of or in opposition to said proposed Local Law, or any part thereof as set forth in the Notice of Public Hearing; and

**WHEREAS**, said public hearing was continued to July 20, 2022 at 7:00 p.m. and such continued hearing was duly held on such date via in person, teleconference or video conference at said time, and all parties were permitted an opportunity to comment on behalf of or in opposition to said proposed Local Law, or any part thereof as set forth in the Notice of Public Hearing; and

**WHEREAS**, on July 20, 2022, the Town Board adopted a negative declaration determining that the proposed adoption of the Proposed Local Law will not have a significant adverse effect on the environment; and

**WHEREAS**, said public hearing was continued to July 27, 2022 at 7:00 p.m. and such continued hearing was duly held on such date via in person, teleconference or video conference at said time, and all parties were permitted an opportunity to comment on behalf of or in opposition to said proposed Local Law, or any part thereof as set forth in the Notice of Public Hearing; and

**WHEREAS**, the Town Board of the Town of Gardiner, after reviewing the comments received and after due deliberation, finds it in the best interest of the Town to adopt said Proposed Local Law subject to mandatory referendum; and

**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:

1. That the Town Board hereby adopts said 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**”, a copy of which is attached hereto and made a part of this resolution, subject to mandatory referendum.

2. That the Town Clerk is hereby directed to take all actions necessary or convenient to provide for the placing of such proposition before the voters at the general election to be held on November 8, 2022, in accordance with law.

3. That upon the approval of such proposition at said election, the Town Clerk be and she hereby is directed to enter said Local Law in the Town Code of the Town of Gardiner, to give due notice of the adoption of said local law to the Secretary of State of New York, file a copy of the Local Law with the Commissioner of Taxation and Finance within 20 days of the approval by electors, and take all other actions as may be required by law.

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			
Councilmember Laura Faye Walls	X		
Councilmember Carol Richman	X		
Councilmember Franco Carucci	X		

The foregoing resolution was thereupon declared duly adopted. Councilmember Wiegand was absent.

**PRIVILEGE OF THE FLOOR**

Jean Ann McGrane – Thanked the Town Board and committee members for all their support.

**EXECUTIVE SESSION**

A motion was made by Councilmember Richman, seconded by Councilmember Walls and carried, for the Town Board to entered into executive session at 7:25 PM for the purposes of discussing Awosting Club. The Board will return only to adjourn.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk