

January 11, 2022 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 7 PM. This meeting was conducted on Zoom as a virtual meeting. Present were Supervisor Majestic, Councilmembers Carucci, Richman, Walls and Wiegand. There were approximately 39± audience members.

### **ANNOUNCEMENTS**

January 15 – Town Hall and Highway Dept will be closed in observance of Martin Luther King Jr. Day.

February 20-23 – 2022 Annual Association of Towns meeting. The meeting will be held virtual and the cost is \$100 per person.

### **COVID UPDATE**

Covid cases in Gardiner have gone up from 99 cases to 164 cases in one week. Supervisor Majestic tested positive last week. To err on the side of caution it was decided to return to virtual meetings.

### **ELECTRICIAN LICENSE**

As of January 1, 2022 all electricians doing work in Ulster County must be licensed by Ulster County. The law was adopted in the fall and enforcement began on the first.

### **CLOVE RD BRIDGE**

The new bridge for the Clove Rd. bridge repair will be delivered tomorrow. The project is moving ahead. No word on when it will be finished.

### **MAJESTIC PARK SKATING RINK**

The ice has now frozen on the skating rink and families are using it much to the delight of the Town Supervisor.

### **KENNEL LOCAL LAW– SCHEDULE PUBLIC HEARING**

Board members scheduled a public hearing on the adoption of a Kennel Law which will ban commercial kennels among other things for February 8, 2022. A motion was made by Councilmember Walls, seconded by Councilmember Carucci and carried.

### **RESOLUTION KENNEL MORATORIUM EXTENSION – LOCAL LAW**

In the event the Kennel Law is not adopted at this meeting the Town Board agreed to extend the moratorium on permits for a kennel. A public hearing on this extension was also scheduled for February 8, 2022 on motion of Councilmember Richman, seconded by Councilmember Wiegand.

Resolution No. 50 - Resolution Scheduling a Public Hearing on Proposed Local Law to Further Extend a Moratorium on the Processing and Approval of Permits for Kennels in the Town of Gardiner for an Additional Three (3) Month Period

Offered by Councilmember Richman

WHEREAS, A proposed local law entitled, “Local Law to Further Extend a Moratorium on the Processing and Approval of Permits for Kennels in the Town of Gardiner for an Additional Three (3) Month Period”, was introduced at a meeting of the Town Board held on January 11, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that said Town Board shall hold a Public Hearing at the Town Hall, 2340 Rt. 44/55, Gardiner, New York, on February 8, 2022 at 7 P.M., to hear all persons interested in the matter of the adoption of the proposed local law, and be it FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said special meeting and public hearing in the Times Herald Record and to post copies of such notice in the manner provided by law, and be it FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are hereby authorized and directed to refer the proposed local law and/or Notice of Public Hearing to the appropriate agencies for their review and recommendations. Seconded by Councilmember Wiegand and carried.

### **SHORT-TERM RENTAL LOCAL LAW**

A public hearing was held in November on the Short-term Rental Local Law. At the end of the hearing, it was closed and Board members were looking for clarification on several points in the law. They discussed LLC's, appointments by the building inspector, the 90-day license requirement and owner-occupied versus non-owner-occupied rental among other details of the law. Councilmember Walls stated that the Town no longer needs a stop-gap measure as the purpose of the law has been achieved. Town Clerk Michelle Mosher pleaded with the Town Board to delay the vote. She explained that at this point she is in the midst of a very busy tax collection season and not to mention, has not received an application to give to anyone as well as any information the Town Board would like in the information packet. The Town is not prepared to begin this process. A motion was made by Councilmember Wiegand, seconded by Supervisor Majestic and carried to postpone the vote on the law to either the first or second meeting in March. Councilmembers Walls and Richman were opposed.

### **RESOLUTION SENIOR CITIZENS INCOME EXEMPTION**

Resolution No. 51 - Senior Citizen & Persons with Disabilities & Limited Income Exemptions - Offered by Councilmember Carucci

Whereas, due to the concerns regarding COVID-19 and to protect the health of vulnerable individuals,

Now, Therefore, Be It Resolved, that pursuant to the New York State Governors Executive Order 11.1 issued December 26, 2021 the Town of Gardiner will not require property owners receiving Senior Citizens or Persons with Disabilities & Limited Income Exemptions to file renewal applications for the 2022 Assessment Roll. If the property owner would benefit from filing applications, the assessor may require the filing of the renewal applications.

Seconded by Councilmember Wiegand and carried.

### **COMMUNITY PRESERVATION PLAN**

Open Space Commission chairman Jean McGrane spoke to the Town Board in support of Ted Fink of Green Plan to prepare the Town of Gardiner's Community Preservation Plan. Ms McGrane spoke on his expertise and his ability to get this done before the end of June. On motion of Councilmember Wiegand, seconded by Councilmember Walls and carried, Supervisor Majestic was authorized to hire Ted Fink as the planner for the Community Preservation Plan. Resolution No. 52 – Supporting Development of a Community Preservation Plan Offered by Councilmember Walls

WHEREAS, The Town of Gardiner is distinguished by its unique landscape setting, including the Shawangunk Ridge, the Wallkill River Valley, woodlands, wetlands, farmland, scenic features; and

WHEREAS, Gardiner's natural beauty and open spaces are fundamental to our unique community character and are integral to our landscape and sense of place;

WHEREAS, the protection of our natural resources provide clean water, fresh local food and resiliency in the face of climate impacts; and

WHEREAS, these features contribute to the quality of life for all Gardiner residents and visitors and are important to the economic future of the community; and

WHEREAS, The Town's Comprehensive Plan, Open Space Plan and Natural Resource Inventory call for additional protection of these resources in the face of encroaching development; and

WHEREAS, New York State has recently enacted a Community Preservation Act which enables communities that have a Community Preservation Plan to create a Community Preservation Fund for open space and historic resources, derived from a local Real Estate Transfer Tax;

WHEREAS, Gardiner's existing plans can be updated and consolidated into a single Community Preservation Plan in accordance with the criteria set by the Community Preservation Act; and

WHEREAS, with a Community Preservation Plan our community will be eligible to establish a Community Preservation Fund, if approved by the community by referendum.

THEREFORE, the Town will:

Create an ad-hoc committee, made up of members of the Environmental Conservation Commission and Open Space Commission, and other interested residents to carry out the following activities:

- Draft a comprehensive Community Preservation Plan based on Gardiner's existing planning documents for adoption by the Town Board that will identify open space, farmland and cultural resource priorities;
- Educate the public about Gardiner's natural and cultural priorities, funding needs and potential opportunities for a new funding source;
- Evaluate and make recommendations about the opportunity to participate in New York State's Community Preservation Act and make recommendations on a referendum to enact a Community Preservation Fund

NOW THEREFORE, BE IT RESOLVED BY THE TOWN Board that it is the legislative policy of the Town to consider, evaluate, and support the adoption of these proposed activities.

BE IT FURTHER RESOLVED that the Supervisor, upon the advice of the Board shall charge the ad-hoc committee to make recommendations to the Board and to the Supervisor regarding open space, farmland and cultural resources, and funding for their protection.

BE IT FURTHER RESOLVED that the committee will explore technical, environmental, and economic considerations to aid the community in selecting protection priorities and funding sources.

BE IT FURTHER RESOLVED that the committees, the staff of the Town, and Town consultants should develop plans to implement appropriate practices so that the Town can continue to be a conservation leader, and an outstanding steward of our irreplaceable resources  
Seconded by Councilmember Richman and carried.

**SUPERVISOR’S MONTHLY REPORT -PARTIAL DECEMBER 2021**

On motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried, the 2021 partial December supervisor’s report was approved as presented.

**CLAIMS – DECEMBER 2021**

Claims for the month of December 2021 were approved on motion of Councilmember Carucci, seconded by Councilmember Wiegand and carried. They are listed on Abstract 12 A as follows: General Fund voucher# 629-663 \$56,657.40; Highway Fund voucher # 233-252 \$16,186.64; Sewer Fund voucher #43-45 \$3,017.42. Councilmember Walls abstained.

**CLAIMS - JANUARY 2022**

Claims for the month of January 2022 were approved on motion of Councilmember Carucci, seconded by Councilmember Wiegand and carried. They are listed on Abstract 1A as follows: General Fund voucher# 1-7 \$8,981.79. Councilmember Walls and Richman abstained.

**BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS 2021**

Resolution No. 53– Transfer in General Fund – Offered by Councilmember Wiegand Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$200.00 from Acct No. 00.01.1110.424 CE Code Books to Acct No. 00.01.1110.421 CE Office Supplies, \$37.00 from Acct No. 00.01.1220.401 CE Misc. to Acct No. 00.01.1220.421 CE Office Supplies, \$2,200.00 from Acct No. 00.01.1355.423 CE Shared Service to Acct No. 00.01.1355.103 PS Fieldworker, \$610.00 from Acct No. 00.01.1355.401 CE Misc to Acct No. 00.01.1355.201 Capital Equipment and \$170.00 from Acct No. 00.01.1355.403 CE Conference to Acct No. 00.01.1355.201 Capital Equipment Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No. 54– Transfer in General Fund – Offered by Councilmember Wiegand Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$220.00 from Acct No. 00.01.1620.413 CE General Repairs to Acct No. 00.01.1620.415 Buildings & Grounds, \$35.00 from Acct No. 00.01.1670.401. to CE Misc. Exp. To Acct No. 00.01.1670.421 CE Office Supplies, \$60.00 from Acct No. 00.01.1670.430 CE Legal Notices to Acct No. 00.01.1670.421 CE Office Supplies, \$.02 from Acct No. 00.02.3510.460 CE Vet Services to Acct No. 00.02.3510.101 PS Dog Warden and \$675.00 from Acct No. 00.02.3510.460 CE Vet Services to Acct No. 00.02.3510.412 CE Electric. Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No. 55– Transfer in General Fund – Offered by Councilmember Wiegand Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$600.00 from Acct No. 00.02.3620.461 CE Outside Service to Acct No. 00.02.3620.422 CE Software Support, \$1,500.00 from Acct No. 00.02.3620.102 PS Inspector Part-time to Acct No. 00.02.3620.101 PS Inspector, \$120.00 from Acct No. 00.02.3620.461 CE Outside Services to Acct No. 00.02.3620 CE Mileage, \$30.00 from Acct No. 00.02.3620.461 CE Outside Services to Acct No. 00.02.3620.421 CE Office Supply, \$200.00 from Acct No. 00.06.7110.405 CE Gardiner Day Expenses to Acct No. 00.06.7110.101

PS Park Personnel and \$197.00 from Acct No. 00.01.1620.412 CE Electric to Acct No. 00.01.1620.411 CE Telephone.

Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No. 56– Transfer in General Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$750.00 from Acct No. 00.06.7110.405 CE Gardiner Day Exp to Acct No. 00.06.7110.440 CE Pole Barn \$200.00 from Acct No. 00.06.7110.405 CE Gardiner Day Expense to Acct No. 00.06.7110.463 CE EV Station Electric, \$150.00 from Acct No. 00.07.8020.462 CE Zoom Meetings to Acct No. 00.07.8020.438 CE Advertising, \$175.00 from Acct No. 00.07.8160.460 CE Outside Services to Acct No. 00.07.8160.417 CE IT Service \$400.00 from Acct No. 00.07.8160.103 PS Station Attendant to Acct No. 00.07.8160.102 PS Transfer Station Attendant and \$213.99 from Acct No. 00.01.1620.413 CE General repairs to Acct No. 00.01.1620.421 Misc.

Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No.57– Supplemental Appropriation in General Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 122, Town Law, the 2021 Annual Budget, General Fund is hereby amended to provide for a supplemental appropriation in the amount of \$76,057.80 in Acct No. 00.01.1440.464 CE Clove Rd. Bridge.

Further resolved, said moneys to be taken from the unexpended balance in the General Fund.

Seconded by Councilmember Carucci and carried.

Resolution No. 58– Transfer in Highway – General Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, Highway-General Fund, is hereby amended to provide for the transfer of \$213.00 from Acct No. 00.04.5010.421 Office Supplies to Acct No. 00.04.5010.401 Supt. Misc. Expenses.

Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No. 59– Transfer in Highway Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$309.00 from Acct No. 01.04.5110 400 CE Contract Expenses to Acct No. 01.04.5140.404 Misc. Brush & Weeds.

Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No. 60– Transfer in Highway - General Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, Highway-General Fund, is hereby amended to provide for the transfer of \$849.00 from Acct No. 00.04.5132.414 CE Fuel Oil to Acct No. 00.04.5132.410 CE IT Support.

Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

Resolution No.61– Supplemental Appropriation in Highway Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 122, Town Law, the 2021 Annual Budget, Highway Fund is hereby amended to provide for a supplemental appropriation in the amount of \$631.39 in Acct No. 01.08.9060.800 CE Health Insurance.

Further resolved, said moneys to be taken from the unexpended balance in the Highway Fund. Seconded by Councilmember Carucci and carried. Councilmember Walls abstained.

Resolution No. 62– Transfer in Highway Fund – Offered by Councilmember Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$818.53 from Acct No. 01.08.9060.801 CE Health Insurance Retiree to Acct No. 01.08.9060.800 CE Health Insurance Regular and \$1,238.65 in Acct No. 01.08.9030.800 CE Social Security to Acct No. 01.08.9060.800 CE Health Insurance Regular.

Seconded by Councilmember Carucci and carried. Councilmember Walls abstained.

Resolution No. 63– Transfer in Sewer Fund – Offered by Councilmember Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2021 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$500.00 from Acct No. 03.07.8110.401 Misc Sewer to Acct No. 03.07.8110.463 CE Electric and \$600.00 from Acct No. 03.07.8110.470 CE Tank Replacement to Acct No. 03.07.8110.468 CE Repairs.

Seconded by Councilmember Carucci and carried. Councilmembers Walls & Richman abstained.

#### **BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS 2022**

Resolution No.64– Supplemental Appropriation in Highway Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 122, Town Law, the 2022 Annual Budget, Highway Fund is hereby amended to provide for a supplemental appropriation in the amount of \$49.00 in Acct No. 01.09.973.609 CE Principal Truck

Further resolved, said moneys to be taken from the unexpended balance in the Highway Fund.

Seconded by Councilmember Carucci and carried. Councilmember Walls abstained.

#### **COMPREHENSIVE PLAN UPDATE**

Councilmember Walls stated that substantive discussion is not good at this late hour. It is hard to be productive. Ms Walls suggested scheduling a special meeting just for the Comprehensive Plan discussion for January 18, 2022 from 7 PM to 8 PM. Board members agreed.

Supervisor Majestic left the meeting at this time. Councilmember Wiegand took over the meeting.

#### **PRIVILEGE OF THE FLOOR**

Patty Parmalee – Representing Friends of the Shawangunks. Questioned the Town Board about what is being done to address the Awosting Club. There was no answer for her at this time. The Board has info that was received and needs to be reviewed. It was agreed that the Town Board may meet in executive session regarding this matter.

Roberta Clements – sent comments to the Board on the Comprehensive Plan by e-mail this evening. Stated she is opposed to the Cell Tower and has a concern with Supervisor Majestic’s relationship with Camilla Bradley.

**ADJOURNMENT**

On motion of Councilmember Walls, seconded by Councilmember Carucci and carried the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk