

October 10, 2023 – Regular Meeting

The Town Board met in Regular Session this evening at the Gardiner Town Hall at 7 PM. Present are Supervisor Majestic, Councilmembers Wiegand, Walls, Richman and Carucci. There were approximately 15 ± audience members.

### ANNOUNCEMENTS

Construction has commenced on the sewer district in the central hamlet, a direct outcome of the enhancements outlined in the I & I Study. The initial phase involves the high-pressure cleaning of the sewer lines, followed by the replacement of sewer tank risers in **the residences identified in the I & I Study**, as well as the installation of new manhole covers.

This Saturday night October 14<sup>th</sup> from 7 to 9 pm that is a Barn Dance down at the Pole Barn at Majestic Park. Information can be found on the Gardiner NY Facebook page.

A Special Meeting is scheduled for Tuesday, October 17<sup>th</sup> at 10 am. This meeting will be a public hearing for the Local Law to exceed the Tax Cap and a budget workshop meeting.

Saturday, October 21<sup>st</sup> there will be a meeting at the Town Hall regarding the Wallkill Valley Rail Trail. Residents whose properties are adjacent to the rail trail are encouraged to attend. The purpose of the meeting is to explore the challenges, responsibilities, and benefits of living adjacent to the rail trail.

Saturday, October 28<sup>th</sup> the Gardiner Day committee is sponsoring its Annual Pumpkin Walk. It starts at 3:30 at the Gardiner Reformed Church.

The Library is hosting its Haunted Library event on Saturday, October 28<sup>th</sup> from 4:30 to 6:30.

NYS DOT sent a letter regarding the Speed Study request for Albany Post Road from Route 44/55 to the Shawangunk town line. Their letter stated that a speed study was conducted at our request in 2021 and the conditions have not changed.

### DISCUSSION ON LOCAL LAW TO CONSOLIDATE THE OPEN SPACE PRESERVATION AND ACQUISITION CHAPTER INTO ARTICLE 10 OF THE TOWN CODE

**Resolution No. 126** - Offered by Councilmember Walls;

**WHEREAS**, a proposed form of Local Law No. 3 [Proposed] of 2023 entitled “A LOCAL LAW TO CONSOLIDATE THE OPEN SPACE PRESERVATION AND ACQUISITION CHAPTER 165 INTO CHAPTER 101 OF THE TOWN CODE” has been submitted to the Town Board of the Town of Gardiner on October 10, 2023;

**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. The Town Board of the Town of Gardiner shall hold a public hearing on November 14, 2023, at 7:05 o'clock 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.

2. 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 November 8, 2023, 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.  
Seconded by Councilmember Carucci and carried.

**RESOLUTION FOR PCA GRANT OPPORTUNITY FOR CLIMATE SMART GARDINER**

**Resolution No. 127** – Offered by Councilmember Carucci;

**WHEREAS**, the Town of Gardiner, a Bronze Certified Climate Smart Community desires to further independence from fossil fuels and seeks to decarbonize its Town Hall and;

**WHEREAS**, the Partners for Climate Action Hudson Valley is offering to fund such decarbonization efforts and;

**WHEREAS**, the Climate Smart Gardiner (SG) is willing to apply for such funding to install a rooftop solar installation for the purpose of ensuring sustainable power to tie building and;

**WHEREAS**, CSG has also agreed to use its own impending grant funding to perform a mechanical assessment of the heating and cooling systems In Town Hall. The intent of such an assessment is to design such a system to rid itself of its current fossil fuel system;

Now, therefore, it is resolved as follows;

That Marybeth Majestic, Supervisor of the Town of Gardiner is hereby authorized to allow this resolution to be attached to the CSG application as a sign to PCA HV that the Town fully supports the application and should the Town win such a grant that she is hereby authorized to execute (for the solar installation and the mechanical assessment of the heating and cooling systems) on behalf of the Town of Gardiner subject to the approval of the Town's attorney.

Seconded by Councilmember Richman and carried.

**REQUEST FROM PARKS & RECREATION TO RENEW MEMORANDUM OF UNDERSTANDING WITH GARDINER TRAILS ALLIANCE**

On the motion of Councilmember Richman seconded by Councilmember Walls and carried authorizing Supervisor Majestic to sign the Memorandum of Understanding with Gardiner Trails Alliance for a 5-year agreement.

**REQUEST FROM OPEN SPACE COMMISSION TO HIRE SURVEYOR FOR TOWN-OWNED PROPERTY**

On the motion of Supervisor Majestic, seconded by Councilmember Walls and carried, to hire Mercurio-Norton-Tarolli-Marshall Engineering & Land Surveying, P.C. to survey the Gilford Easement and place 32 markers on the property for the amount of \$6,870.00 to be paid partially by the Open Space budget and the rest through Unexpended Fund Balance.

**REVIEW CYBER SECURITY QUOTES**

After a thorough discussion, the Board has decided to request Logically to provide two quotes: one for a middle-tier option and another for a high-tier option. These quotes are expected to be submitted by October 17<sup>th</sup>, in preparation for the Budget Workshop Meeting.

**AMEND ZONING FOR CANNABIS DISPENSARIES, COMPLETE SEQRA, REFER TO COUNTY AND SCHEDULE PUBLIC HEARING**

On the motion of Councilmember Wiegand, seconded by Councilmember Walls and carried to accept and authorize Supervisor Majestic to sign the full EAF.

**Resolution No. 128** - Offered by Councilmember Walls;

**WHEREAS**, the Town of Gardiner seeks to amend the Town Zoning Code and add a permitted business use – cannabis retail dispensary - to the HM, HC, and CLI zoning districts; and,

**WHEREAS**, this action is consistent with prior Gardiner Town Board (Town Board) decisions as well as with the New York State Marijuana Regulation & Taxation Act (MRTA); and,

**WHEREAS**, the Town Board has final review and approval authority for this action; and,

**NOW THEREFORE BE IT RESOLVED**, the Town Board has prepared a Full Environmental Assessment Form, Part 1 and agrees that this action is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), given that this will change a permitted use within an area greater than 25 acres, and that the Town Board determines to be Lead Agency under SEQRA; and,

**NOW BE IT FURTHER RESOLVED**, the Town Board formally refers this action to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239, and schedules a public hearing for this action on November 9, 2023.

Seconded by Councilmember Carucci and carried.

**STREETLIGHT CONVERSION/ NYPA CONTRACT**

Councilmember Carucci provided the Board with an update on the current status of the streetlight conversion project. Climate Smart Gardiner has been awarded a grant of \$10,000. Out of this amount, \$3,000 will be allocated towards the development of lighting design specifications. Once the New York Power Authority (NYPA) gives its approval on the lighting design and all other requirements are met, the Town will be able to proceed with the contract acquisition process.

**RESOLUTION FOR VACATION ACCRUAL FOR ASSESSOR’S CLERK**

**Resolution No. 129** – Offered by Councilmember Walls;

**Whereas**, Nancy DeStefano has been an employee of the Town of Gardiner for 11 years.

**Whereas**, the Town Board recognizes and appreciates Mrs. DeStefano’s services working for the Town, and we are responding to her July 11<sup>th</sup>, 2023 memo to the Town Board.

**Whereas**, Mrs. DeStefano’s vacation accrual was not in line with her 11+ years of service,

**Whereas**, based on the prorated amount according to the 2015 handbook, Mrs. DeStefano will accrue 5.83 hours of vacation time per month, beginning January 2023.

**Whereas**, at the start of the equivalent of her 7<sup>th</sup> year of full-time employment she will accrue 8.75 hours a month vacation time.

Now therefore, be it resolved that Nancy DeStefano’s vacation accrual for 2023 be 5.83 vacation hours per month, and upon entering the start of her 7<sup>th</sup> year (February 2024) she will accrue 8.75 hours per month.

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Resolved and Executed at Gardiner, New York, this 10<sup>th</sup> day of October, 2023.  
Seconded by Councilmember Carucci and carried.

### **MINUTES**

- Minutes of July 11<sup>th</sup> were approved as written on motion of Supervisor Majestic and seconded by Councilmember Walls and carried.
- Minutes of August 1<sup>st</sup> were approved as written on motion of Supervisor Majestic and seconded by Councilmember Walls and carried. Councilmember Carucci abstained.
- Minutes of August 8<sup>th</sup> were approved as written on motion of Supervisor Majestic and seconded by Councilmember Wiegand and carried.
- Minutes of September 5<sup>th</sup> were approved as written on motion of Supervisor Majestic and seconded by Councilmember Carucci and carried. Councilmember Walls abstained.

### **SUPERVISOR MONTHLY REPORT**

On motion of Councilmember Wiegand, seconded by Councilmember Walls and carried. The September Supervisor's Monthly Report was approved as presented.

### **CLAIMS**

Claims for the month of September 2023 were approved on the motion of Councilmember Wiegand, seconded by Councilmember Carucci, and carried. They are listed on Abstract #9 as follows; General Fund voucher #450-508 \$22,197.68; Highway Fund voucher #161-179 \$16,410.33; ARPA Fund voucher #3-4 \$60,000.

### **FINANCIALS**

Resolution No. 130 – Supplemental Appropriation in Sewer Fund – Offered by Councilmember Wiegand, Resolved, pursuant to Section 112, Town Law, the 2023 Annual Budget, Sewer Fund, is hereby amended to provide for supplemental appropriations in the amount of \$1,649.75 acct 03-01-1910-400 Insurance. Seconded by Councilmember Carucci and carried. Further Resolved, said money to be taken from the Unexpended Balance in the Sewer Fund Balance Fund 3.

Resolution No. 131 – Supplemental Appropriation in General Fund – Offered by Councilmember Wiegand; Resolved, pursuant to Section 112, Town Law, the 2023 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$658.00 in Acct 00-02-3620-201 CE Bldg. Dept. Capital Equip; \$449.00 in Acct 00-02-3620-424 CE Bldg. Dept. Office Supplies; \$300.00 in Acct 00-02-3620-422 CE Bldg. Dept. Software Support; \$960.00 in Acct 00-02-3620-461 CE Bldg. Dept Prof. Services; Further Resolved, said money to be taken from the General Fund. Seconded by Councilmember Carucci and carried.

Resolution No. 132 – Supplemental Appropriation in General Fund – Offered by Councilmember Wiegand, Resolved, pursuant to Section 112, Town Law, the 2023 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$303.00 in Acct 00-07-8160-401 CE Transfer Station Misc; \$2,620.00 in Acct 00-06-7110-440 CE Pole Barn (Electric Work). Further Resolved, said money to be taken from the General Fund. Seconded by Councilmember Carucci and carried.

Resolution No. 133 – Transfer to General Fund – Offered by Councilmember Wiegand pursuant of Section 112, Town Law, the 2023 Annual Budget, General Fund is hereby amended to provide the transfer of \$20.50 from Acct 00-01-1355-401 CE Misc. Assessor to Acct 00-01-1355-421 CE Office Supplies Assessors; \$100.00 from Acct 00-01-1620-476 CE Elevator Maintenance Bldg. to Acct 00-01-1620-410 CE Information Tech. Bldg.; \$203.00 from Acct 00-06-7110-413 CE Park Repairs to Acct 00-06-7110-463 CE EV Station Electric. Seconded by Councilmember Carucci and carried.

Resolution No. 134 – Modified Budget in ARPA Fund – Offered by Councilmember Wiegand, Resolved, pursuant to Section 112, Town Law, the 2023 Annual Budget, ARPA Fund, is hereby amended to provide for modified budget in the amount of \$1,900.00 in Acct 40-01-1620-401 CE Furniture; \$18,500.00 in Acct 40-01-1620-402 CE Computer Software; \$20,000 in Acct 40-01-1620-403 CE Rail Trail Tree Service; \$40,000.00 in Acct 40-01-1620-404 CE Gardiner Fire Dist. Vehicle; \$352,661.11 in Acct 40-01-1620-405 CE Misc; \$450,311.11 in Acct 40-4089 Revenue to offset. Further Resolved, said money to be taken from the ARPA Fund. Seconded by Councilmember Carucci and carried.

**PRIVILEGE OF THE FLOOR**

No comment.

**EXECUTIVE SESSION**

On the motion of Councilmember Wiegand, seconded by Councilmember Walls and carried, the Town Board entered Executive Session at 8:40 PM to discuss Awosting Club to come back to the regular meeting only to adjourn.

Respectfully Submitted,

Julia Hansen, Acting Town Clerk