

May 10, 2022 – Regular 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 53± audience members.

### **ANNOUNCEMENTS**

May 12 – Town Clerk’s Office will be closed from 11:30 AM to 3 PM for a training session

May 16 – Blood Drive

May 17 – Lazy River Special Meeting

May 21 – Trees for Tribes – 370 trees will be planted at the transfer station 9 AM

Arbor Day Tree-planting at Town of Gardiner 1 PM

May 30 – Town Hall and Highway Dept will be closed in observance of Memorial Day.

### **RIVER KEEPER SWEEP**

On May 7 the annual River Keeper Sweep was held. 6 separate sites were cleared of 2,470 lbs. of trash, 27 tires, a bed frame, roofing, chairs .....and more. Once again, a very successful event.

### **WIRELESS EDGE TOWERS II PUBLIC HEARING CONTINUATION**

The Wireless Edge public hearing was continued to this week. Robert Gaudio, attorney for Wireless Edge spoke first regarding the confirmation of the ground elevation, the Town code and the purpose and placement of the tower.

John Arthur representing Wireless Edge, spoke next about the search area of the location to construct the tower. Spoke about the sightline. Mr. Arthur also addressed the filled property that the tower will be placed on and how it is a clear level site. Wireless Edge will do boring tests to help determine the foundation design. A copy of the geo-technical report and foundation design will be available.

William Johnson, radio frequency consultant for the Town discussed the report he submitted to the Town addressing saturation problems, real time data, propagation maps etc. Mr. Johnson stated that the new cell tower will increase coverage and service in the Town.

Councilmember Richman questioned if there were other sites that would provide additional coverage. There was no definitive answer on that.

Supervisor Majestic opened the hearing to the public for questions and/or comments.

Annie O’Neill – is a fervent advocate of the environment and open space. South Mountain Rd. is no place for a cell Tower. This tower will not be a solution to any form of better cell service. Ms O’Neill believes that Wireless Edge has no respect to the Town’s cell tower local law. The Town should not exempt itself from the well thought out law that was created to protect the Town. The Town may need better cell service but not at the cost of what makes Gardiner beautiful.

David Kiviat – stated he has very strong cell service at his home on Shaft Rd. The Town’s own law has a requirement to protect the viewshed. Wireless Edge used the exact reasoning for not having the tower at other locations as to having it at the highway garage.

Superintendent Stiscia – the location of the tower on the site will be on filled land. Is concerned about the safety of his crew with falling ice in the winter. There are many dead zones throughout Gardiner and this cell tower will not correct those zones.

Keri Kiernan – was born and raised at Kiernan Farm. The location will greatly impact the entire area. It will be highly visible from every aspect of the property. The farm has a conservation easement. Their development rights were bought to keep the land as pristine land. The cell tower will totally destroy this.

Kay Hoiby – spoke about the wetlands surrounding the area. Need a site visit in order to determine how the cell tower will impact the area of the wetlands.

Tim Hunter – the cell tower will not solve the problem. He has a petition with 500 signatures on it opposing the tower. The Ridge is magical – makes Gardiner what it is.

Evelyn Sorenson – we have a beautifully crafted Ridge not found anywhere else in the world.

Cheryl Kiviat – the tower will have an adverse visual impact as it looms over the tree line.

Stated that this is a very weird location for a tower.

Janet Kern – there has to be a better way to get cell service. Asked how much money will the Town receive to compromise the Ridge.

Linda Goldsmith – commented on the endangered peregrine falcon nests. Suggested looking for other locations and adjusting the shot clock.

Marilyn Perry – she has fine cell service. This will adversely affect property values.

Encouraged an analysis of the homes built since 2010 when the lease was first brought to the Town.

Supervisor Majestic – read a statement received from Joe Katz. His home is in a dead zone.

With this tower cell service will be easier, it will make it safer for he and his wife and will provide a less stressful situation for them.

Supervisor Majestic – has concerns with the tower location on filled property

Victoria Polidoro – Town attorney. Advised the Town Board to close the public hearing.

### **CLOSE PUBLIC HEARING**

On motion of Councilmember Walls, seconded by Councilmember Wiegand and carried, the public hearing for Wireless Edge Towers II was closed at 8:25 PM.

Attorney Victoria Polidoro advised the Town Board to compile all the information received and deliberate on whether or not to grant the special permit.

Bill Johnson suggested getting the names of the service providers for those who stated that they have good service on Shaft Rd and S. Mountain Rd. Supervisor Majestic asked that anyone who is to respond please respond no later than May 15.

### **COMMUNITY PRESERVATION PLAN**

David Dukler & Jean Ann McGrane were present to review their report on the survey results for the Community Preservation Plan. There were 570 responses. Town Board discussed the real estate tax rate to be established, the number of committee members, commencement of the plan and exemptions.

### **UHY ENGAGEMENT LETTER**

Supervisor Majestic is in receipt of an engagement letter with UHY CPA to conduct a full audit of the Town finances. Last week Councilmember Walls asked for time to contact the firm to better understand what the audit would entail. Ms Walls commented that many aspects of the process will not provide what is most important to the type of audit the Town needs. No decision was made to sign the engagement letter.

**PRIVILEGE OF THE FLOOR**

Janine Brutvan – Farmers Turnpike resident. There have been rapid changes at the campground specifically noise, light pollution and has become an eyesore. It is more like a nightclub than a campground. There can be up to 2800 people there on any given weekend. Stated that the waivers requested are for changes that have already been done. We would be rewarding them for breaking the law.

Suzanne Levirne – spoke about SEQR Neg Dec. for Lazy River.

**MEMORANDUM OF AGREEMENT**

The Highway Department union rep has requested premium pay that is permitted for essential employees who worked during the COVID-19 health emergency. Supervisor Majestic has also recommended that 3 essential workers at the Town Hall receive the premium pay. There are 3 options to choose from and she is recommending Option B which states \$2,250 for full-time employees and \$1,250 for part-time employees. A motion was made by Supervisor Majestic, seconded by Councilmember Walls and carried, to accept Option B as stated above.

**ASSESSOR – SHARED SERVICE AGREEMENT WITH TOWN OF PLATTEKILL**

The Town Assessor Matthew Sabia has resigned from his position effective May 31, 2022. We have been sharing the Assessor with the Town of Plattekill. Both Towns will work together once again and share the new Assessor, Tricia Masterson. Supervisor Majestic is looking for authorization to sign the Agreement. A motion was made by Councilmember Wiegand, seconded by Councilmember Richman and carried, authorizing the Supervisor to sign the Agreement.

**RESOLUTION – ACCEPTANCE OF SEWER EASEMENT**

Resolution No. 94 - Acceptance of Sewer Easement Sewer Lot #: 20B - Offered by Councilmember Wiegand

WHEREAS, the above property owner has been granted a Residential Connection Permit in Gardiner Sewer District #1 and has installed the necessary facilities, and has agreed to grant an easement to the District, and

WHEREAS, an easement is required for future maintenance and repair of sewer lines, tanks, pumps, etc. by the District, then

RESOLVED, pursuant to Section 64 of Town Law, the Town Board of the Town of Gardiner, acting on behalf of Gardiner Sewer District #1, does hereby accept as a gift the above easement, and

FURTHER RESOLVED, the Supervisor is authorized to act on behalf of the District in this matter and cause a deed or other instrument to be filed with the Town Clerk.

Seconded by Councilmember Carucci and carried.

**OPEN MEETINGS LAW CHANGES**

There are new guidelines for the open meetings law in the State of New York. Each member has received a copy of the changes highlighting the requirements for meeting in public, videoconferencing, emergency meetings and temporary remote meeting authorization.

**AMERICAN RESCUE PLAN FUND**

Supervisor Majestic stated that the Town received \$576,000+ from the federal governments American Rescue Plan Fund (ARP) established due to the pandemic. She also stated that the Town has been reimbursed the construction fund balance of \$500,000 that the Town has with Spectrum. Ms Majestic is asking the Board to make a list of how to use the funds and to reach out to the community to see if they have any ideas. The Supervisor also stated the remaining Clove Road Bridge balance of \$140,000 will come from the ARP funds.

**MINUTES**

Minutes of April 5 and April 12 were approved as written on motion of Councilmember Wiegand, seconded by Councilmember Walls and carried.

**SUPERVISOR MONTHLY REPORT**

On motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried, the April Supervisor report was accepted as presented. Councilmember Walls was absent.

**CLAIMS**

The claims for the month of April were approved on motion of Councilmember Wiegand and carried. They are listed on Abstract #4 as follows: General Fund voucher #150-218 \$91,219.27; Highway Fund voucher #61-81 \$71,784.15; Sewer Fund voucher #9-13 \$5,756.59. Councilmember Walls was absent.

**BUDGET TRANSFER AND SUPPLEMENTAL APPROPRIATIONS**

Resolution No.95– Supplemental Appropriation in General Fund – Offered by Councilmember Wiegand

Resolved, pursuant to Section 122, Town Law, the 2022 Annual Budget, General Fund is hereby amended to provide for supplemental appropriations in the amount of \$58,058.73 in Acct No. 00.01.1440.464 CE Clove Rd. Bridge, \$852.77 in Acct No. 00.02.3620.421 CE Bldg Dept Office Supplies, \$1,582.46 in Acct No. 00.07.8791.425 CE Mailing Public Outreach, \$,645.00 in Acct No. 0007.8791.426 CE Training Public Outreach and 4800.00 from Acct No. 00.08.9055.800 CE Disability Insurance.

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

Resolution No. 96– 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 \$90.00 from Acct No. 00.01.1410.421 CE Office Supplies to Acct No. 00.01.1410.422 CE Software Support, \$728.10 from Acct No. 00.01.1420.401 CE Codification to Acct No. 00.01.1420.473 CE Law Books and \$6.74 from Acct No. 00.06.7110.412 CE Electric to Acct No. 000.06.7110.463 CE EV Station Electric.

Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

Resolution No. 97– Transfer 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 the transfer of \$1,202.60 from Acct No. 03.07.8110.471 CE Renovations

& Restoration to Acct No. 03.07.8110.468 CE Repairs and \$652.50 from Acct No. 03.07.8110.473 CE Engineer to Acct No. 03.07.8110.472 Ce I&I Study.  
Seconded by Councilmember Carucci and carried. Councilmember Walls was absent.

**PRIVILEGE OF THE FLOOR**

Janet Kern – asked for an update on the Awosting Club.

Chris Hoey – suggested having the Parks & Recreation first on the agenda at next week’s special meeting.

**EXECUTIVE SESSION AND ADJOURNMENT**

On motion of Councilmember Walls, seconded by Councilmember Richman and carried, the Board entered into Executive Session at 10:15 PM to discuss possible litigation and Awosting Club. They will return to regular session only to adjourn.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk