

May 2, 2023 - Workshop Meeting

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

ANNOUNCEMENTS & CORRESPONDENCE

Gardiner Open Studio Tour is scheduled Saturday and Sunday, May 6th and 7th from 10am-5pm.

Saturday, May 6th is the Annual River Keeper Event. Participant and Volunteer signups are online.

State wide Burn Ban is still in effect thru May 14th.

Community Preservation Fund went into effect February 1st. The Real Estate Transfer Tax generated \$531.26 for February. In March the tax generated \$10,200.07. The monthly payments get deposited in the Community Preservation Fund interest bearing account.

Lazy River Campground opened on April 21st. The Building Inspector went down for a routine inspection and found issues in the kitchen and expired building permits. Lazy River and the Building Inspector are working together to remedy the issues.

There was an oil spill at 129 Dusinberre Rd. The Supervisor reached out to the D.E.C. and there was a D.E.C. Spill Response agent on sight within 15 minutes. American Petroleum, a D.E.C. certified spill company arrived Monday and have been working since.

There was a Violation on the Rail Trail where the owner removed substantial amount of trees and damage the bed which will be discussed later on in the meeting.

Glen from JOULE Energy of the Community Choice Aggregation program presented the Board with an Eco Action Award in recognition of the Town's leadership on Climate Action and Clean Energy. Some of the Town's environmental accomplishments include being a Designated Clean Energy Community, Bronze certified Climate Smart Community, Completed baseline govt. and community greenhouse gas inventories, Created a climate action plan and set goals for reduction of ghg emissions, Revised comprehensive plan to include sustainability elements, Completed a natural resources inventory as a foundation for sustainable development, Created Community Preservation Plan, Completed a municipal fleet inventory, in the process of converting street lights to LEDs, and lastly hosts regular Repair Cafes.

ZONING DISCUSSION WITH DAVID CHURCH

David Church discussed the recommendations and suggestions he received after interviewing various Town officials, committee members, staff, and public individuals regarding their priorities for land use/zoning code updates. After discussion, the Board agreed to bundle draft changes that already support the adopted Comprehensive Plan as a "Phase 1" approach. Mr. Church agreed to share his revisions with the Board for review prior to the July meeting.

RESOLUTION TO ACCEPT 2021 FINANCIAL AUDIT

Resolution No. 86 - Offered by Councilmember Walls;

Whereas, the financial records of the Town of Gardiner for the fiscal year 2021 was performed by our accounting firm, UHY- US.

Whereas, the financial audit was presented to the Town Board by Matthew VanDerbeck of UHY-US at a public town board meeting on April 11th, 2023.

Whereas, Town Board members were given an opportunity to review the financial audit and ask any questions at the April 11th meeting.

Now, hereby be it resolved that the Town Board of the Town of Gardiner concurs with and accepts the 2021 Financial Audit provided by UHY-US.

Seconded by Councilmember Wiegand and carried.

FINANCIAL MANAGEMENT SYSTEM DISCUSSION

There are three different Financial Management companies being considered for replacement of the current Financial Management System used by the Bookkeeper; Edmunds GovTech, Willaimson Law Books, and Sage Intuit. After a thorough review of what each company offered, it was determined that that Edmunds GovTech offered more options and had better support and a lower cost. Councilmember Walls will follow up with Edmunds regarding questions about their Financial Auditing capabilities and report to the Board at the next meeting.

RAIL TRAIL VIOLATION RESOLUTION

Resolution No. 87 - Offered by Supervisor Majestic;

WHEREAS, the Town of Gardiner (“Town”) is the owner of that part of the Wallkill Valley Rail Trail otherwise known or referred to as the Wallkill Valley Branch of Consolidated Rail Corporation, mileposts 17.6 to 23.1, in the Town (the “Rail Trail”); and

WHEREAS, by instrument recorded in the office of the Ulster County Clerk on April 30, 2007, the Town granted to the Wallkill Valley Land Trust (“Land Trust”), a not-for-profit corporation, a conservation easement over and affecting the Rail Trail, recorded as Instrument No. 2007-00009571; and

WHEREAS, both the Town and the Land Trust have standing to bring an action and/or proceeding for any breach or violation of the easement; and,

WHEREAS, the Town also has jurisdiction and authority to require building and/or zoning permits before certain work may be commenced in the Town; and,

WHEREAS, on or about April 2nd, 2023, the Town observed that the owner of the property located at 56 Sandhill Road, Mr. William Richards, had conducted substantial excavation, tree-cutting, soil removal, and other similar construction activities on, in, and adjacent to the Rail Trail, without the permission of the Town or the Land Trust, and without the permission of the Town Building Department; and,

WHEREAS, on April 17, 2023, the Town Code Enforcement Officer issued a stop work order to the owner of 56 Sandhill Road, demanding that he cease and/or desist from any further or additional work, and to submit such plans as may be required for such work; and,

WHEREAS, on or about April 18, 2023, the Land Trust issued its own cease and desist letter to the owner of 56 Sandhill Road, via certified mail, demanding that he cease and desist such construction activities and otherwise restore the area; and,

WHEREAS, by correspondence dated April 21, 2023, the owner of 56 Sandhill Road, through legal counsel, acknowledged the existence of the stop work order and indicated that no additional work would be conducted; and,

WHEREAS, the most efficient and effective way to enforce the easement and protect and restore the Rail Trail is by a civil action in Supreme Court, Ulster County, brought by the Land Trust as easement beneficiary; and,

WHEREAS, the Town, as owner, has an additional claim against the owner of 56 Sandhill Road for timber trespass pursuant to Section 861 of the N.Y. Real Property Actions and Proceedings Law, which authorizes an award of treble the stumpage value of trees improperly removed and an award of the claimant's reasonable attorney's fees and costs; and,

WHEREAS, the Town may simultaneously pursue administrative enforcement of the Town Code; and,

WHEREAS, the Land Trust has required that the Town either (i) join in civil litigation against the owner as a co-plaintiff; or (ii) assign the Town's claim for treble damages for timber trespass, and related claims such as public nuisance and trespass, to the Land Trust for pursuit on its own, thereby keeping for itself any proceeds of such claim and obviating the need for Town participation in litigation:

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the Town shall assign its timber rights.
2. That the Town authorizes the firm Young / Sommer, LLC (William A. Hurst, Esq., of Counsel) to interface with the Land Trust and participate as necessary in the litigation, which may include, but be not limited to, the review of pleadings and briefs, and the preparation of affidavits on behalf of Town actors.
3. The Town authorizes the initial sum of \$5,000.00 in attorney's fees to be expended pursuant to the foregoing, at which time the matter shall return to the Board for any further or additional authorizations.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Gardiner.

Seconded by Councilmember Walls and carried.

BUILDING DEPARTMENT FEE DISCUSSION

The Board reviewed and discussed the suggested a 30% increase in the Fee Schedule. Ultimately, it was decided that the Councilmembers would review the fee schedule monthly and determine a fair increase for each fee at future meetings.

JUSTICE COURT AUDIT RESOLUTION

Resolution No. 88 - Offered by Councilmember Walls;

Resolved, that the records of the Justice Court, were reviewed on April 10, 2023 by Councilman Wiegand; and

Resolved, that Councilman Wiegand concluded that all records are satisfactory; then

Hereby Be It Further Resolved that the Town Board of the Town of Gardiner concurs with Councilman Wiegand's review and audit of these records.

Seconded by Councilmember Weigand and carried.

NYCLASS MONEY MARKET OPPORTUNITY

Councilmember Wiegand presented information regarding NYCLASS Money Market. NYCLASS is a municipal cooperative agreement made pursuant to NY General Municipal Law in 2019 which serves municipalities. It allows municipalities to invest their monies in a higher interest rate/lower risk option. The current rate is 4.69% vs. the current rate with M&T Bank which is .02%. The next steps are to inquire with nearby towns what their experience with NYCLASS has been, consult legal counsel, review with the bookkeeper, and ensure NYCLASS is compatible with the new financial management system. Councilmember Wiegand will continue his research and follow up with the Board at a later date.

STREET LIGHT CONVERSION UPDATE

Councilmember Carucci gave an overview on the Town's street light conversion process. Mr. Carucci will complete the NYPA questionnaire. He will also follow up with them for additional information if the Town opted in to the 50% down versus 100% down and make the Board aware.

PLANNING BOARD, ECC AND PARKS & REC VACANCIES

There is a vacancy for Planning Board that expired in April. There are two interested parties, the current alternate of the Planning Board as well as a new applicant who needs to be interviewed. The ECC committee member Roberta Clements' term is expired, she is willing on staying on. The vacancy needs to be advertised before appointing her for another term. Lastly, there are two interested residents for the Parks & Rec Committee whom will be interviewed as a subset interview.

PRIVLEDGE OF THE FLOOR

- Residents spoke about the Building Department Fee increase.
- Hydro Quest proposed Gardiner and Plattekill as potential proposed Land Fill site.
- Zoning Code addressing Net Zero new development requirements.
- Solar option for the Street lights instead of LED.
- Update on Awosting Club?
- A Thank You for the aggression with the Rail Trail Violation.
- Zoning addressing the noise impact on Steve's Lane.

EXECUTIVE SESSION

On the motion of Supervisor Majestic, seconded by Councilmember Walls and carried, the Board went into Executive Session at 9:30 PM.

On the motion of Councilmember Walls, seconded by Councilmember Carucci and carried, the Board left Executive Session at 9:42 PM.

ADJOURNMENT

On the motion of Councilmember Walls, seconded by Councilmember Carucci and carried, the meeting adjourned at 9:43 PM.