

April 10, 2018 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this date at the Gardiner Town Hall at 7 PM. Present were Supervisor Majestic, Councilwoman Walls and Councilmen Dukler & Wiegand. Councilman Reynolds was absent. There were approximately 10± audience members.

### **ANNOUNCEMENTS**

May 4 – Gardiner Day Committee Women Helping Women Dance at the VFW in New Paltz from 7 to 11 PM

May 5 – Wallkill River Clean Sweep

### **TILLSON LAKE DAM UPDATE**

Supervisor Majestic has received a letter from Morey Gottesman, member of Save Tillson Lake, requesting the Town Board to support them in the fight against the State, namely Palisades Interstate Park Commission, from draining Tillson Lake. This is in the early stages and the Town supports them fully, a resolution at this time would be premature. Supervisor Majestic will reach out to Senate, Assembly and Congress representatives for their assistance in halting this plan.

### **PUBLIC HEARING LOCAL LAW –AMENDMENT TO COLD WAR VETERANS EXEMPTION**

At 7:10 PM the Town Clerk read the legal notice for a local law to amend the cold war veteran's exemption. Supervisor Majestic explained the purpose of the law and then opened the hearing to the public for questions and comments. There being none the public hearing was held opened.

### **CLOVE ROAD BRIDGE**

Supervisor Majestic received comments back from the NYS DOT regarding the pre-application for the Clove Rd Bridge. Ms Majestic will be meeting with Dennis Doyle of the UC Planning Board to review the comments and revise the application for the TIPS Bridge Grant. Completed paperwork must be in by April 14.

### **PLANNING BOARD APPOINTMENT**

Joseph Hayes was re-appointed to the Planning Board on motion of Supervisor Majestic, seconded by Councilman Wiegand and carried. Mr. Hayes' term is seven years expiring April 2025.

### **APPOINTMENTS TO THE OPEN SPACE COMMISSION**

On motion of Councilman Wiegand, seconded by Councilwoman Walls and carried, the following were appointed to the Open Space Commission: Becca Benner, Laura Rose, Jean Ann McGrane, Kay Hoiby and Laura Wong-Pan. Alternates appointed were Linda Geary and Kelli George. Terms for each member will be established at the first meeting of the Open Space Commission.

### **ULSTER COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

On motion of Supervisor Majestic, seconded by Councilman Dukler and carried, John Sansalone was appointed to the Ulster County Environmental Management Council representing the Town of Gardiner.

**MAJESTIC PARK PAVILION**

The Town is in receipt of a proposal from Morris Associates to prepare bid documents for the replacement of the Majestic Park Pavilion. Cost is \$2,250. Board members discussed the size of the pavilion and RFP’s scope of work and funding. Morris Associates were authoring to move forward with preparing bid documents for a 30’ X 60’ pavilion. Demolition of the current pavilion will be done by the Highway Dept and Paul Colucci.

**RESOLUTION SKID STEER FINANCING**

**Resolution No. 67 In the Matter of the Lease of a certain 2018 Bobcat S650**

Offered by Supervisor Majestic

**WHEREAS**, the Town of Gardiner (the “Lessee”) is a valid existing political subdivision of the State of New York (the “State”) existing as such under and by virtue of the Constitution, statutes and laws of the State;

**WHEREAS**, the Town Board of the Town of Gardiner (the “Governing Body”) has the power under the laws of the State of New York to lease or purchase personal property for use by the Lessee; and the Governing Body has determined, and hereby determines, that it is in the best interests of the Lessee to enter into a Municipal Lease Agreement with **SUMMIT HANDLING SYSTEMS INC** (“Lessor”) which lease will be assigned to Wells Fargo Vendor Financial Services, LLC (“Assignee”) pursuant to an assignment by Lessor to Assignee (such Municipal Lease Agreement and Assignment are herein together referred to as the “Lease”) for the purpose of financing the acquisition of a 2018 Bobcat S650 (the “Equipment”) described in Exhibit A to the Lease and that the use of such Equipment is essential to the Lessee’s proper, efficient and economic operation;

**WHEREAS**, the Governing Body has taken the necessary and appropriate steps under the applicable law, including, without limitation, any public bidding requirements, to arrange for the acquisition and financing of the Equipment under the Lease;

**WHEREAS**, the Lease terminates and Lessee’s obligations thereunder are extinguished, if the Governing Body fails to appropriate money for the ensuing fiscal year for the payment of the amounts due in such fiscal year;

**WHEREAS**, there has been presented to the Governing Body the form of the Lease, including Exhibit A thereto, which the Lessee proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing of the Equipment; and it appears that the Lease and its Exhibit A are in appropriate form and are appropriate instruments for the purposes intended.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GARDINER AS FOLLOWS:**

**Section 1.** That all actions of the Lessee in effectuating the Lease are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Lease.

**Section 2.** That sums be and hereby are allocated from the budget of the Governing Body for the fiscal year ending on 2022 sufficient to meet all obligations of the Lessee under the Lease, including without limitation Annual Rent in the amount of \$10,,050.31per year.

**Section 3.** The Governing Body hereby approves the acquisition by the Lessee of the Equipment described in Exhibit A to the Lease, such acquisition to be financed by Lessor/Assignee pursuant to and in accordance with the terms of the Lease, which will be a valid, legal and binding obligation of the Lessee enforceable in accordance with its terms. The form and content of the Lease are in all respects authorized, approved and confirmed and the Town Supervisor, the representative of the Lessee, or his designee is authorized, empowered and directed to execute and deliver the Lease and the other Documents (as defined in the Lease) for and on behalf of the

Lessee in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate.

**Section 4.** Pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986 (the “Code”), the Lessee hereby specifically designates the Lease as a “qualified tax-exempt obligation” for the purposes of Section 265(b)(3) of the Code and the Lessee represents it will not designate more than ten million dollars (\$10,000,000) of obligations issued by the Lessee in the calendar year in which the Lease and Exhibit A thereto are executed and delivered as such “qualified tax-exempt obligations.” The aggregate face amount of all tax exempt obligations issued or to be issued by the Lessee and all subordinate entities thereof during calendar year 2018 is not reasonable anticipated to exceed ten million (\$10,000,000).

**BE IT FURTHER RESOLVED THAT** this resolution take effect from and after its passage. Seconded by Councilwoman Walls and carried.

#### **2018 HIGHWAY 284 AGREEMENT**

Superintendent Stiscia reviewed his 284 Agreement for 2018 with the Town Board. There seemed to be some confusion on the structure of the agreement and the roads listed for repair. This will be discussed next month.

#### **SKID STEER ATTACHMENTS**

The Highway Superintendent has received the attachments to the new Skid Steer. Cost of the attachments total \$20,911.40. On a motion from Councilman Dukler, seconded by Councilman Wiegand and carried, funding will come from the Highway Unexpended Funds.

#### **CLOSE PUBLIC HEARING – LOCAL LAW**

There were no questions or comments on the local law to amend the cold war veteran’s exemption. On motion of Councilman Dukler, seconded by Councilman Wiegand and carried the public hearing was closed at 8:10 PM.

#### **ADOPT LOCAL LAW TO AMEND COLD WAR VETERANS EXEPMTION**

On motion of Councilman Wiegand, seconded by Councilman Dukler and carried, the local law for the amendment to the cold war veterans exemption was adopted as follows:

#### **Local Law 1 - 2018 - A LOCAL LAW TO AMEND CHAPTER 194-24B OF THE CODE OF THE TOWN OF GARDINER**

A) Section 194-25B of the Town Code of the Town of Gardiner is amended to read as follows:

In addition to the exemption provided by Subsection A, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating, provided, however, that such exemption shall not exceed \$45,000, or the product of \$45,000 multiplied by the latest state equalization rate for the Town of Gardiner, whichever is less.

B) Section 194-25B of the Town Code of the Town of Gardiner is amended to read as follows:

“The exemption set forth in this local law shall remain in effect indefinitely or until such time as it is revoked by local law, or until authorizing State legislation requires modification.” This law shall take effect immediately upon filing same with the New York State Secretary of State.

**ETHICS LAW REVIEW**

The Town Board continued with their review of the draft of a new Ethics Law. Tonight they reviewed Article IV the Board of Ethics - Qualifications & Power of Duties.

**SUPERVISOR MONTHLY REPORT**

The March Supervisors Report was approved as presented on motion of Councilman Dukler, seconded by Councilman Wiegand and carried.

**CLAIMS**

Claims were approved for payment on motion of Councilman Wiegand, seconded by Councilman Dukler and carried. They are listed on Abstract #3 as follows: General Fund voucher # 104-139 \$59,666.20; Highway Fund voucher #72-104 \$26,575.31; Sewer Fund voucher #8-12 \$3,742.96.

**BUDGET TRANSFERS**

**Resolution No. 69** – Budget Transfer in General Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2018 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$250.00 from Acct No. 00.07.8160.470 CE Repairs & Maintenance to Acct No. 00.07.8160.401 Misc Landfill.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 70** – Budget Transfer in Highway Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2018 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$126.00 from Acct No. 01.04.5110.400 CE Contract Expenses to Acct No. 01.09.9730.614 Dept. Service Skid Steer.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 71** – Budget Transfer in Highway Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2018 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$10,000.00 from Acct No. 01.04.5142.400 CE Misc Material to Acct No. 01.04.5142.100 PS O/T Snow.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 72** – Budget Transfer in Sewer Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2018 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$45.00 from Acct No. 03.07.8110.401 Misc Sewer Exp. to Acct No. 03.01.1910.400 Insurance .  
Seconded by Councilman Wiegand and carried.

**ADJOURNMENT**

On motion of Councilwoman Walls, seconded by Councilman Dukler, the meeting was adjourned at 9:04 PM.

Respectfully submitted,

Michelle L. Mosher, Town Clerk