

October 9, 2018 – Regular Meeting

The Regular meeting of the Gardiner Town Board was held tonight at the Gardiner Town Hall at 7 PM. Present were Supervisor Majestic, Councilmen Dukler, Reynolds and Wiegand & Councilwoman Walls. There were approximately 17± audience members.

### **ANNOUNCEMENTS**

October 25 – Gardiner Day Pumpkin Walk at 6 PM with a rain date of October 26.

October is Fire Prevention and Safety month.

### **PETROLEUM SPILL**

This past Sunday, October 7, there was spill of petroleum at the Gardiner Airport. DEC is supervising the clean-up which is being done by American Petroleum. The spill came from a fuel tank on the property that was not shut down properly. It infiltrated a retention pond located on the property, flowed to a stream nearby and into the Wallkill River. Supervisor Majestic spoke with DEC and they gave her a contact number for any questions.

### **NOVEMBER WORKSHOP MEETING**

The November workshop meeting of the Gardiner Town Board will be held Thursday November 8, 2018 due to a conflict with Election Day.

### **REQUEST FOR ZONING CLARIFICATION**

ZBA Chairman David Gandin, PB Chairman Paul Colucci and CEO/Building Inspector Andy Lewis have requested this meeting to point out differences in the dimensional tables of the zoning law regarding accessory apartments on non-conforming lots. There are 2 separate applications that will need variances and there is a difference of opinion between the ZBA and the CEO/Building Inspector. They are looking for guidance from the Town Board. Attorney Allyson Phillips is here tonight who can assist with this clarification.

### **ZONING CODE AUDIT REPORT- ATTORNEY ALLYSON PHILLIPS**

Attorney Allyson Phillips was here tonight to discuss with the Town Board her report regarding the Zoning Code Audit that she has completed. Ms Phillips stated that the current zoning law is structured as forward thinking. However there are ambiguities, specifically overnight accommodations for those visiting the area including camps, resorts, lodges and short-term rentals. She commented that our Comprehensive Plan encourages this type of tourism and we have good regulations in place. Ms Phillips reviewed the section of the zoning law that pertains to accommodations identifying the uses and requirements in the current law. Also discussed were travel trailer parks and tourist camp requirements established in the zoning law. Lastly there was discussion on short term rentals (i.e. AirBnB). Attorney Phillips provided the Board with attachments for density & dimensional regulations, sample short-term rental local laws and suggested revisions for the Town Board to consider.

### **HIGHWAY TRUCK PURCHASE**

Board members have received a proposal from Beam Mack Sales Service for the purchase of a 2020 Mack dump truck with a proposal from Amthors' detailing equipment to be added to the truck and the cost. One quote for financing was also presented. Additional financing quotes are needed. On motion of Councilman Dukler, seconded by Councilwoman Walls and carried, Superintendent of Highways Brian Stiscia was authorized to move forward with the purchase.

**CATSKILL CONSTRUCTION CONSULTANT**

Brian Shugg from Catskill Construction Consultants was present to discuss his proposal for noise complaint assistance. Mr. Shugg will provide 10 hours per month as per the contract presented. If they should exceed this they will discuss with the town first. They will provide back up for when the Zoning Enforcement Officer is out of the office. Mr. Shugg stated that he would be willing to set up a line for residents to call on. Noise complaints are very hard to enforce. A motion was made by Councilwoman Walls, seconded by Councilman Dukler and carried, authorizing the Supervisor to sign the contract. Councilman Wiegand was opposed.

**WATER QUALITY MONITORING AT TRANSFER STATION**

Three proposals have been received for the post closure water monitoring at the transfer station. They were received from Sterling Engineering, CPL and Lawrence Paggi. A motion was made by Supervisor Majestic, seconded by Councilwoman Walls and carried authorizing the Supervisor to sign the contract with CPL at a not to exceed cost of \$5,000.

**AQUIFER OVERLAY DISTRICT**

Sterling Engineering has provided the Town with a proposal to review the Aquifer Overlay District draft legislation that the Town has had for several years now. They will provide a review of the law, reports specific to the law, mapping and locations of the aquifers. They help the Town to determine the need, purpose and benefits of the law. Cost for the review will not exceed \$5,000. On motion of Councilman Wiegand, seconded by Councilwoman Walls and carried, the Supervisor was authorized to accept the proposal.

**NYS DEPARTMENT OF LABOR**

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the model complaint form and the sexual harassment policy was adopted as the Town of Gardiner policy.

**ASSESSMENT REVIEW BOARD APPOINTMENT**

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, Bernetta Calderone was re-appointed for a term of 5 years to expire on September 30, 2023.

**PARK PAVILLION UPDATE**

Contracts have been sign for the park pavilion. A couple of changes were made as follows: Asphalt shingles will be used instead of a metal roof and gutters will be installed rather than just a splash guard. Construction may begin as early as October 15.

**SEWER MAPPING**

A new sewer map was delivered to the Town Hall this past week. We are now comparing the sewer list to the lots on the map. This will help determine the capacity of the Sewer District.

**2019 BUDGET**

On Sept. 28 Supervisor Majestic had presented a budget showing a high percentage increase for 2019. At an October 4 budget meeting many of the lines were adjusted and the percentage of the increase has come down quite a bit. On October 15 there will be another meeting to continue work on the budget with the intention of lowering it further.

**MINUTES**

Minutes of Sept. 9 and Sept. 11 were approved as written on motion of Supervisor Majestic, seconded by Councilwoman Walls and carried.

**SUPERVISOR'S MONTHLY REPORT**

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the September Supervisor report was approved as presented.

**CLAIMS**

Claims for the month of September were approved for payment on motion of Councilman Dukler, seconded by Councilman Wiegand and carried. The are listed on Abstract # 9 as follows: General Fund voucher #394-447 \$23,842.75; Highway Fund voucher #218-242 \$19,410.33; Sewer Fund voucher #35-42 \$6,663.15.

**BUDGET TRANSFERS**

Resolution No. 101 – Transfer in General Fund – Offered by Councilwoman Walls  
Resolved, pursuant to Section 112, Town Law, the 2018 Annual Budget, General Fund is hereby amended to provide for the transfer of \$200.00 from Acct No. 00.01.1355.401 Assessors Misc. to Acct No. 00.01.1355.421 Assessors Office Supplies, \$132.00 from Acct No. 00.01.1420.470 CE Labor Relations to Acct No. 00.01.1420.403 CE Registrar of Vital Statistics \$41.00 from Acct No. 00.04.5010.421 CE Office Supplies Highway to Acct No. 00.04.5010.403, CE Conference Highway, \$258.00 from Acct No. 00.06.7310.203 CE Pool Fees Summer Rec to Acct No. 00.06.7310.425 CE Misc Youth Program and \$27.43 from Acct No. 00.06.7310.420 CE Arts & Crafts to Acct No. 00.06.7310.425 CE Misc Youth Program.  
Seconded by Councilman Dukler and carried.

Resolution No. 102 – Transfer in General Fund – Offered by Councilwoman Walls  
Resolved, pursuant to Section 112, Town Law, the 2018 Annual Budget, General Fund is hereby amended to provide for the transfer of \$26.00 from Acct No. 00.06.7310.420 CE Arts & Crafts to Acct No. 00.06.7310.430 CE Supplies, \$400.00.00 from Acct No. 00.07.8020.403 CE Conference to Acct No. 00.07.8020.103 PS PB Clerk, \$248.00 from Acct No. 00.07.8160.470 CE Repair & Maintenance to Acct No. 00.07.8160.401 CE Misc Exp. Landfill, \$1.97 from Acct No. 00.07.8160.421 CE Office Supplies to Acct No. 00.07.8160.401 CE Misc Landfill and \$3,000.00 from Acct No. 00.04.5132.489 CE Salt Shed to Acct No. 00.02.3310.201 CE Sign Purchase.  
Seconded by Councilman Dukler and carried.

Resolution No. 103 – Transfer in Highway Fund – Offered by Councilman Dukler  
Resolved, pursuant to Section 112, Town Law, the 2018 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$231.11 from Acct No. 01.04.5140.420 CE Supt. Misc Expenses to Acct No. 01.04.5140.402 CE Drug & Alcohol Testing.  
Seconded by Councilman Dukler and carried.

**PRIVILEGE OF THE FLOOR**

Scott Mosher – asked what dependent districts were.

Suzanne Levirne – has a concern with the 2 hr lag time on the noise control proposal.

Andy Lewis – he is currently working on the noise issues at the campground.

Philip Oswald – spoke on behalf of John Petry about the short-term rental property (AirBnB) next door to Mr. Petry’s property.

Bill Trifilo – requested that the speed limit, just past the Albany Post Rd bridge, lowered from 55 mph to 45 mph.

Scott Bittner – is travel time included in the hourly fee from Catskill Construction Consultants.

Scott Mosher – stated that if the Aquifer Law was in place the petroleum spill may not have occurred.

**ADJOURNMENT**

On motion of Councilman Wiegand, seconded by Councilwoman Walls and carried, the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk