

November 12, 2019 – Regular Meeting

The Gardiner Town Board met tonight in regular session at the Gardiner Town Hall at 7 PM. Present were Supervisor Majestic, Councilmen Carucci, Dukler & Wiegand and Councilwoman Walls. There were approximately 18± audience members present.

### **ANNOUNCEMENTS**

November 18 – Sr. Resources seminar at Town Hall 1:30-4

December 6 – Annual Christmas Tree Lighting 7 PM

December 3 – Multi board meeting

### **MANHOLE CHECK**

A representative from Deutsch & Pitingaro will be conducting testing of the manholes in the Town beginning the research of infiltration and inflow in the sewer district. In the Spring they will conduct a smoke test and video of the district.

### **RE-SCHEDULE ZBA MEETING**

The November meeting for the ZBA has been rescheduled for December 9. This date will also cover the December meeting as well.

### **PUBLIC HEARING – LOCAL LAW TO AMEND CHAPTERS 220 & 200**

Supervisor Majestic reviewed the timeline and the purpose for amending the law. Ms Majestic announced that the public hearing will not be closed tonight and will carry over to the December meeting. The Board discussed briefly establishing the Campground Floating District. The Town is still waiting on both the Town of Gardiner Planning Board and the Ulster County Planning Board for their review and comments. At this point the Town Clerk read the legal notice and the hearing was opened to the public for any questions or comments.

Suzanne Levirne – commented on specific areas of the law, for example lighting, density, visual effect, screening and trespassing. Believes there should be a minimum and a maximum on acreage. Asked what the definition of a permanent structure was. She has a big concern with enforcement.

Charles Gottlieb – attorney for the Lazy River Campground. He is in favor of the campground floating district. Mr. Gottlieb submitted a list of comments citing certain sections of the law. He also commented on short term rentals should be allowed during non-seasonal months.

Andy Collen – questioned whether or not Lazy River could expand.

Ralph Erenzo – there are 2 separate structures on the property that should be identified as a B&B lodge or resort. Need to have a definition on non-camping (permanent) structures.

Suzanne Levirne – questioned how they are able to have permanent structures when they are not allowed on seasonal campgrounds.

Scott Mosher – asked the allowable number of units per site and the number of people per site.

Nina Barbato – commented that she has people setting up tents in her neighborhood.

Suzanne Levirne – asked how does the town get the campground to pay their fair share.

Supervisor Majestic responded with annual licensing.

The public hearing is continued to December.

**RESOLUTION LEAD AGENCY FOR LOCAL LAW AMENDING CHAPTER 220 & 200**

Resolution Declaring the Town Board Lead Agency Under SEQRA – Offered by Councilwoman Walls

**WHEREAS**, the Town Board is required to conduct an environmental review of this action in accordance with the State Environmental Quality Review Act and the Regulations promulgated thereunder, (collectively “SEQRA”) with respect to the proposed local law entitled: “A Local Law to Amend Chapter 220 and Chapter 200 of the Town Code of the Town of Gardiner Regulating Certain Tourism Related Accommodation Uses” (the “Action”), and

**WHEREAS**, in accordance with requirements of SEQRA, the Town Board caused a Full Environmental Assessment Form (“EAF”) to be prepared and made the EAF available for public review at the time the proposed local law was introduced; and

**WHEREAS**, the Town Board must declare itself Lead Agency as it is directly undertaking the proposed action and there are no other involved agencies; and

**IT IS HEREBY RESOLVED**, by the Town Board of the Town of Gardiner, as follows:

1. The Town Board of Gardiner hereby declares itself Lead Agency under SEQRA.
2. The Town Board of Gardiner hereby finds and determines that the adoption of the proposed local law will be treated and processed as a “Type I” action.

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

Seconded by Councilman Carucci and carried.

**PUBLIC HEARING – LOCAL LAW MORATORIUM EXTENSION**

The Town Clerk read the legal notice at 7:50 PM at which time the Supervisor opened the hearing to the public for any questions or comments.

Suzanne Levirne – stated that she supports the extension.

The Supervisor stated that the hearing would remain opened until next week. Councilman Wiegand saw no reason to keep it opened and made a motion to close the public hearing at 7:55 PM. Motion was seconded by Councilwoman Walls and carried.

**ADOPT LOCAL LAW – MORATORIUM EXTENSION**

On motion of Councilman Wiegand, seconded by Councilman Dukler and carried, the local law was adopted as follows:

Be it enacted by the Town Board of the Town of Gardiner as follows:

Section 1. Title This Local Law shall be referred to as the “Local Law to Extend Moratorium on the Processing and Approval of New Applications for Certain Tourism-Related Accommodation Land Uses in the Town of Gardiner”.

Section 2. Purpose and Intent By Local Law No. 4 of 2018, the Town Board of the Town of Gardiner enacted a six (6) month moratorium on the processing and approval of new applications for building permits, special use permits, special permits, variances, site plan approval, lot line revision, subdivision approval or other approvals or permission related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of identified tourism-related accommodation land uses in the Town of Gardiner. The Moratorium became effective on December 21, 2018 when Local Law No. 4 was with the New York Secretary of State and was extended for an additional six (6) month period by the adoption of Local Law No. 1 of 2019. The moratorium is now set to expire on December 21, 2019.

The Town Board has undertaken a comprehensive review of the Town Zoning Law and general Code relating to tourism-related accommodation uses and has engaged the services of a

professional consultant, Sterling Engineering, to provide assistance the Town Board in its review and provide recommendations for possible amendments. The Town Board has prepared and introduced a proposed local law to amend Chapter §220 and §200 of the Town Code.

It is the Town Board's desire to complete its review of the proposed local law in an appropriate and deliberate manner free from any race to diligence or timing concerns raised by the possible expiration of the moratorium. The moratorium is set to expire on or about December \_\_, 2019 and it is anticipated the Town Board may need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional three (3) month period

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, article 8 and is therefore not subject to review under 6 NYCRR Part 617 or Environmental Conservation Law article 8.

#### Section II – Moratorium – Extended Term

Local Law No. 4 of 2018 Imposing a Six-Month Moratorium on the on the Processing and Approval of New Applications for Certain Tourism-Related Accommodation Land Uses in the Town of Gardiner shall be extended for an additional three (3) month period of time through March 21, 2020.

Except as otherwise amended herein, all provisions of Local Law No. 4 of 2018, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for an additional three (3) month period of time through March 21, 2020.

#### Section III – Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

#### Section IV. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through December 21, 2019. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Gardiner with the authority to accept, hear, process and determine applications for variances from this Local Law.

#### Section V - Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

### **HEARTWOOD EASEMENTS**

The Town Board has the proposed conservation and agriculture easements for the Heartwood project. Supervisor Majestic, Councilman Wiegand, Planning Board member Marc Moran, and Open Space members Jean McGrane and Laura Wong-Pan will be working together to fine-tune the easements. The Board will re-visit this at the December 10 meeting. Supervisor Majestic

complimented the Open Space Commission on the accomplishments made regarding the easement documents.

### **COMMUNITY CHOICE AGGREGATE LAW**

Councilman Carucci explained the purpose of this law is to get a cheaper cost for renewable energy for the residents of Gardiner. This law allows for research and the opportunity for the Town Board to choose a specific company to be the administrator of the CCA for the Town.

Councilman Dukler stated that there would be no cost to the Town but Councilman Wiegand disagrees stating that there will be management costs to the Town. He also dislikes the “in it unless the resident opts out”. Councilman Carucci asked the Town Board to review the law and have discussion at an upcoming meeting.

### **SOCIAL MEDIA POLICY**

Board members discussed briefly the need for a Social Media Policy. No decisions were made.

### **BUILDING DEPARTMENT REPORT**

Building Inspector/Code Enforcement Officer Andy Lewis created a monthly activity report for October. The report consisted of 31 permits, 57 logged phone calls, 49 e-mails answered and 58 inspections. He also addressed 2 ZBA actions, 5 complaints and notified an owner of an unsafe building.

### **VISTA DRIVE STUB ROAD DEED**

Years ago, when a subdivision was created developers had to deed over to the Town a section of land at the end of a road to be used for future use...a stub road. These deeds are held by the Town until they are needed. This has become problematic with the stub road on Vista Drive. In order for the new owner to move forward with his project the deed needs to be filed with the understanding that a title insurance policy must be filed with the Town along with a Town Engineer cost determination for building the road. The applicant would need to provide the Town with a letter of credit in that amount. Once this is all received the deed can be filed. The applicant is looking for authorization from the Board to allow the Supervisor to sign the deed and associated documents to be filed once all the above is in place. A motion was made by Councilman Wiegand, seconded by Councilman Carucci and carried, the Supervisor was authorized to sign the documents.

### **SUPERVISOR MONTHLY REPORT**

The October monthly report of the Supervisor was accepted as presented on motion of Councilwoman Walls, seconded by Councilman Dukler and carried.

### **CLAIMS**

Claims were approved for payment on motion of Councilman Wiegand, seconded by Councilwoman Walls and carried. They are listed on Abstract #9 as follows: General Fund voucher #458-492 \$39,942.92; Highway Fund voucher #206-233 \$35,869.19; Sewer Fund voucher #47-49 \$3,230.64.

**BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS**

Resolution No. 113 – Transfer in General Fund – Offered by Councilman Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, General Fund is hereby amended to provide for the transfer of \$71.00 from Acct No. 01.01.1220.403 CE Conference to Acct No. 00.01.1220.423 Software Support /Cloud, \$413.65 from Acct No. 00.01.1410.403 CE Conference to Acct No. 00.01.1410.201 Capital Equipment., \$83.65 from Acct No. 00.01.1410.421 CE Office Supplies to Acct No. 00.01.1410.422 CE Software Support, \$27.45 from Acct No. 00.01.1620.476 Elevator Maintenance to Acct No. 00.01.1620.401 Misc, \$149.88 from Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.438 Legal Notices, \$.44 from Acct No. 00.06.7110.450 Pavilion Construction to Acct No. 00.06.7110.413 CE Repairs, \$117.22 from Acct No. 00.06.7310.425 Misc. Youth Program to Acct No. 00.03.7310.430 E Supplies, \$95.00 from Acct No. 00.07.8160.467 CE Chipping to Acct No. 00.07.8160.401 CE Misc. Landfill and \$200.00 from Acct No. 00.07.8160.467 CE Chipping to Acct No. 00.07.8160.411 CE Station Phone.  
Seconded by Councilman Dukler and carried.

Resolution No. 114 – Supplemental Appropriation in General Fund – Offered by Councilman Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, General Fund is hereby amended to provide for supplemental appropriations of \$5,000.00 in Acct No. 00.07.8020.404 CE Engineering and, \$3,200 in Acct No. 00.01.1440.460 CE Outside Prof. Service  
Further resolved, said monies to be taken from unexpended balance in the General Fund  
Seconded by Councilman Dukler and carried.

Resolution No. 115 – Transfer in Highway Fund – Offered by Councilman Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$900.00 from Acct No. 01.04.5110.102 PS Aube to Acct No. 01.04.5110.402 Longevity Bonus.  
Seconded by Councilman Dukler and carried.

Resolution No. 116 – Transfer in Sewer Fund – Offered by Councilman Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, Sewer Fund is hereby amended to provide for the transfer of \$100.00 from Acct No. 03.07.8110.401 CE Misc. Sewer Expense to Acct No. 03.07.8110.461 Lab Cost and \$25.00 from Acct No. 03.07.8110.468 CE Misc. Sewer Expense to Acct No. 03.017.8110.468 CE Repairs.  
Seconded by Councilman Dukler and carried.

Resolution No. 117 – Transfer in General Fund – Offered by Councilman Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, General Fund is hereby amended to provide for the transfer of \$490.00 from Acct No. 00.04.5132.489 Garage CE Salt Shed to Acct No. 00.04.5010.421 CE Office Supplies, \$300.00 from Acct No. 00.04.5010.401 CE Misc. Expenses to Acct No. 00.04.5010.421 Office Expenses and \$520.00 from Acct No. 00.04.5010.403 CE Conference & Education to Acct No. 00.04.5010.421 CE Office Supplies.  
Seconded by Councilman Dukler and carried.

Resolution No. 118 – Transfer in Highway Fund – Offered by Councilman Wiegand Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$3,500.00 from Acct No. 01.04.5110.401 CE Potential Rate Increase to Acct No. 01.04.5110.121 PS Soltish and \$1,000.00 from Acct No. 01.04.5110.401 CE Potential Rate Increase to Acct No. 01.04.5110.111 PS Working Foreman Seconded by Councilman Dukler and carried.

Resolution No. 119 – Transfer in Highway Fund – Offered by Councilman Wiegand Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$5,000.00 from Acct No. 01.04.5142.400 CE Misc. Material to Acct No. 01.04.5142.100 PS O/T Snow. Seconded by Councilwoman Carucci and carried.

**PRIVILEGE OF THE FLOOR**

Andy Collen – asked what the process was on compliance and enforcement.

**ADJOURNMENT**

On motion of Supervisor Majestic, seconded by Councilman Carucci and carried, the meeting was adjourned at 8:55 PM.

Respectfully submitted,

Michelle L. Mosher  
Town clerk