

December 10, 2019 – Regular Meeting

The Gardiner Town Board met in regular session this date at the Gardiner Town Hall. Present were Supervisor Majestic, Councilmen Carucci, Dukler & Wiegand and Councilwoman Walls. There were approximately 60± audience members present.

ANNOUNCEMENTS

12/24 & 25 – Town Hall is closed in observance of Christmas.

01/01/2020 – Town Hall is closed in observance of New Year’s Day

TOWN BOARD GOALS

Supervisor Majestic would like all Town Board members to be prepared to discuss their goals for 2020 at the first meeting of the year January 7, 2020.

VOLUNTEERS FOR VARIOUS BOARDS

Currently there are vacancies on the Assessment Board of Review and the Environmental Conservation Commission. If interested in serving please contact the Town Supervisor at supervisor.tog@gmail.com.

PUBLIC HEARING CONTINUATION – LOCAL LAW FOR CHAPTERS 200 & 220

The Town Board has decided to amend the proposed local law for Chapters 200 & 220 regulating certain tourism related accommodation uses. Board members agreed that the law will be re-noticed with a new version of the law. Supervisor Majestic announced that there will be a conference call concerning the new law on December 16. Ms Majestic asked if there were any comments from the audience.

Suzanne Levirne – re-iterated what she said at last week’s meeting – in depth requirements, better guidelines for amplified noise, music screening, definition for non-permanent structures to name a few.

CLOSE PUBLIC HEARING

On motion of Councilwoman Walls, seconded by Councilman Carucci and carried, the public hearing was closed at 7:20 PM.

EXTENSION OF MORATORIUM AN ADDITIONAL 3 MONTHS

Resolution 120-2019 - Resolution Approving Local Law To Extend A Moratorium On The Processing And Approval Of New Applications For Certain Tourism-Related Accommodation Land Uses In The Town Of Gardiner

Offered by Councilwoman Walls

WHEREAS, A proposed local law entitled, “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”, was introduced by the Town Board on October 24, 2019 (the “proposed Local Law”); and

WHEREAS, the Town Board has reviewed and considered the proposed Local Law; and

WHEREAS, the Town Board duly forwarded the proposed Local Law to the Town Planning Board for their review and comment and a favorable recommendation was received from the Planning Board; and

WHEREAS, the Town Board duly forwarded the proposed Local Law to the County Planning Department for review as required by law; and

WHEREAS, the Town Board has determined that the proposed Local Law is in the best interests of the health, safety and welfare of the Town; and

Now Therefore, Be It Resolved As Follows By The Town Board Of Gardiner, Ulster County, New York:

IT IS FURTHER RESOLVED, that the Town Board of the Town of Gardiner hereby determines that Proposed Local Law No. 1 of 2019, entitled, “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”, attached hereto and made a part hereof, is hereby adopted; and

IT IS FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution.

Seconded by Councilman Carucci and carried.

HEARTWOOD CONSERVATION & AGRICULTURAL EASEMENTS

Councilman Wiegand spoke about the reason for the easements. He is proposing that a baseline study be done by the Wallkill Valley Land Trust and a review of the Hess & Kiernan Farm baseline studies. Supervisor Majestic thought that members of the Wallkill Land Trust may want to walk the property.

On motion of Councilman Wiegand, seconded by Councilwoman Walls and carried, both the Conservation easement and the Agricultural easement in the name of Shinrin Yoku, LLC, were accepted as presented. Phil Rappaport has provided the Town with aerial photos and a flora & fauna report done by a biologist.

SHORT TERM RENTALS

Board members discussed short term rentals in the Town of Gardiner. A draft law was presented earlier in the year and has been tabled since then. Supervisor Majestic provided the Town Board with a review of the Rhinebeck short term rental law outlining specifics such as residence criteria, permit criteria, violations of the law. Ms Majestic would like to come up with a timeline to create and adopt a short-term rental law. Each Board member expressed their thoughts and concerns on how to move forward with establishing a law that works for the whole Town. Councilwoman Walls stated the Town Board needs to digest all the research done by both Town Board members and residents. Currently Short-Term Rentals (STR) are not allowed in the Town and it is the property owners responsibility to be sure of what the Town does allow. There have been many untruthful statements on Facebook about the Town Board’s handling of the proposed law. The Town Board is taking a new innovation in economy and making it work for all residents, protecting privacy, quiet, etc. Ms Walls is most concerned with affordability for homebuyers in the Town. STR’s undermine the ability to purchase a home affordably. One suggestion she has is to limit whole house rental to 3 weeks per year.

Councilman Wiegand is also concerned with the noise, safety and how this will affect the character of the Town. The Board needs to establish guidelines for all STR’s along with fees and fines for violating the law established. This can be an expensive process for the Town. Mr. Wiegand believes this does have a large impact on housing. He is also concerned with whole house rental and suggested that the Board set a time frame to review the law and how successful it is. He also suggested setting aside an hour or so at an upcoming meeting just for the discussion of whole house rental and checking to see what other towns are doing.

Councilman Carucci agrees with the creating fees and fines. His concern is how do we get the current STR's into compliance. The Board must be able to justify their decisions.

Councilman Dukler thinks that we have a very robust STR community but how do you make it work for the entire Town. Fees should be set to balance the cost of the program. Mr. Dukler suggested having all fees and fines go to a dedicated conservation fund to preserve what residents and tourists alike come to Gardiner for.

Supervisor Majestic questioned the Town Board as to where do we go from here. What is the next step? Ms Majestic suggested having a special session to discuss just STR's.

Several residents spoke up about their concerns regarding enforcement, safety, benefits to local businesses.

HIGHWAY BID AWARD – 2020 ROAD MATERIALS

At last week's meeting a bid opening was conducted for the 2020 highway road material. Seven bids were received. Superintendent Stiscia reviewed the bids and awarded as follows: Sand: lowest bid was from 209 Sand & Gravel - material unacceptable, awarded to Rock Mountain Farms, the 2019 vendor at the 2019 prices; Stone Dust: JKN Trucking; Washed Stone E. Tetz and Sons, Callanan Industries; Various Stone: Mombaccus Excavating for ¾" Stone, Grosso Material for all other stone material; Bank Run Shale: lowest bidder Grosso Materials-materials unacceptable, awarded to Mehlon Trucking with 2019 pricing honored.

OLD FORD ROAD DRAINAGE ISSUE

Several residents of Old Ford Road were present to discuss with the town Board the drainage issue they have on the road and their properties. Superintendent of Highways Brian Stiscia explained that this issue stems back several years. Heavy rains flood a few properties at the beginning of Old Ford Rd near Phillies Bridge Rd. There is 1 drainage pipe opened and it cannot take excess water. Mr. Stiscia stated the other pipes were deliberately plugged up. Now one side of the road drains to the other side. Residents, Superintendent Stiscia and Town Board members went around and round with no decision made to resolve this issue.

TILLSON LAKE DAM UPDATE

On November 14 a meeting was held here at the Town Hall to discuss the Town of Gardiner & PIPC partnering together to take over the maintenance of the Tillson Lake dam. Assemblyman Cahill's office and Senator Metzger's office have been working to get the cost of the repair of the dam lowered. A letter of intent to proceed and partner with PIPC was discussed. The approval of this letter comes with NO financial commitment from the Town of Gardiner. Supervisor Majestic stated that it is very hard to get park money/grants. This allows for a shared service. A look at the bigger picture properties along the lake would no longer be considered lakefront property resulting in re-assessments of these properties. A motion was made by Councilman Dukler, seconded by Councilwoman Walls and carried, authorizing the Supervisor to sign the letter on intent.

TRANSFER STATION FEES

Town Board members received a packet containing a sample resolution, minutes of the last increase in fees, and a current fee schedule. Transfer station fee increases were discussed during budget meetings. Supervisor Majestic is suggesting an increase in all fees in increments of \$5. Coupon books would be increased to \$50. Board members were asked to review the increases and discussion will take place at the January 14 meeting.

MINUTES

Minutes from October 1, October 8 November 7 and the 3 budget meetings held in October were all approved as written on motion of Councilman Wiegand, seconded by Councilwoman Walls and carried.

SUPERVISOR MONTHLY REPORT

November supervisor report was accepted as presented on motion of Councilwoman Walls, seconded by Councilman Wiegand and carried.

CLAIMS

Claims were approved for payment on motion of Councilman Wiegand, seconded by Councilwoman Walls and carried. They are listed on Abstract #11 as follows: General Fund voucher #493-564 4109,370.31; Highway Fund voucher #234-373 \$83,762.79; Sewer Fund voucher #50-51 \$2,447.70.

BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS

Resolution 121 – 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 CE Lab Costs and \$100 from Acct No. 03.07.8110.401 CE Misc Sewer Expense to Acct No. 03.07.8110.468 CE Repairs.

Seconded by Councilman Carucci and carried.

Resolution 122 – 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 \$280.00 from Acct No. 00.04.5132.414 CE Fuel Oil to Acct No. 00.04.5132.411CE Phone, \$200.00 from Acct No. 00.06.7110.431CE Mower Repair to Acct No. 00.06.7110.401 CE Park Misc. and \$305.00 from Acct No. 00.06.8160.467 CE Chipping to Acct No. 00.07.8160.401 CE Misc Landfill.

Seconded by Councilman Dukler and carried.

Resolution 123 – 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 \$100.00 from Acct No. 00.01.1420.470 CE Labor Relations to Acct No. 00.01.1420.403 CE Registrar, \$385.00 from Acct No. 00.01.1440.461 CE Water Monitoring to Acct No. 00.01.1440.464 SAM Grant, \$800.00 from Acct No.

00.01.1620.412 CE Electric to Acct No. 00.01.1620.401 CE Misc., 41,500.00 from Acct No.

00.01.1620.412 CE Electric to Acct No. 00.01.1620.411 CE Telephone and \$250.00 from Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.438 CE Legal Notices.

Seconded by Councilman Dukler and carried.

Resolution No. 124 – Supplemental Appropriation in General Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 122, Town Law, the 2019 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation of \$2,500.00 in Acct No.0 0.01.1440.460

CE Outside Professional Service, \$10,000.00 in Acct No. 00.07.8020.404 CE Engineer/Outside Service and \$5,000.00 in Acct No. 00.07.8020.405 CE Litigation.

Further Resolved, said moneys to be taken from the General Fund.

Seconded by Councilman Dukler and carried.

Resolution No. 125 – Supplemental Appropriation in General Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 122, Town Law, the 2019 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation of \$223.00 in Acct No. 00.01.1410.421 CE Town Clerk Office Supplies, \$2,353.00 in Acct No. 00.01.1410.426 Dog Enumeration Mailing e and \$10,000.00 in Acct No. 00.01.1420.460 CE General Attorney.

Further Resolved, said moneys to be taken from the General Fund.

Seconded by Councilman Dukler and carried.

Resolution 126 – 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 \$893.86 from Acct No. 01.04.5120.400 CE Bridges/Culverts to Acct No. 01.04.5110.460 Outside Professional Service.

Seconded by Councilman Dukler and carried.

Resolution 127 – 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 \$5,725.00 from Acct No. 01.04.5110.120 PS Walker to Acct No. 01.04.5110.117 PS Scofield and \$4,025.00 from Acct No. 01.04.5110.120 PS Walker to Acct No. 01.4.5110.121 Soltish.

Seconded by Councilman Dukler and carried.

PRIVILEGE OF THE FLOOR

Suzanne Levirne – Did a re-cap of the discussion of the Town Board.

Superintendent Stiscia – commented that the Old Ford Road residents were unreasonable with him in trying to solve their flooding issue.

Matt Aube – stated that there is a lot of water on that section of Old Ford Rd because it is all wetland. He remembers skating there before houses.

EXECUTIVE SESSION

On motion of Supervisor Majestic, seconded by Councilman Wiegand and carried the Town Board entered into executive session at 9:15 PM to discuss collective bargaining and personnel. They will return to regular session only to adjourn the meeting.

Respectfully submitted,

Michelle L. Mosher
Town Clerk