

The regular meeting of the Gardiner Town Board was held this date at 6:30 PM at the Gardiner Town Hall. Present were Supervisor Zatz and Councilmen Koenig, Mele, Reynolds and Wiegand.

### **HEALTH INSURANCE**

The Board met earlier this evening to discuss health insurance with agent Brad Palmiter. Mr. Palmiter has presented options with both MVP and CDPHP. Cost with MVP is scheduled to increase by 11 ½ %. The Board discussed with Mr. Palmiter several different options with MVP allowing for a high deductible and a flexible spending account. With CDPHP options were presented with high deductibles and the health reimbursement account continuing through Choice Strategies. Board members believe they need feedback from the employees and scheduled a special meeting for Wednesday March 21 at 7 PM at the Town Hall.

### **ANNOUNCEMENTS**

March 31 – Annual Easter Egg Hunt. Majestic Memorial Park.

April 20 – Women Helping Women Dance. Sponsored by the Gardiner Day Committee with all proceeds going to the battered women's shelter.

### **REGULAR SESSION – CALL TO ORDER**

At 7:25 PM Supervisor Zatz called the regular session to order. There were approximately 16± audience members.

### **PUBLIC HEARING CONTINUATION – OHIOVILLE ACRES**

The public hearing opened last week for the Water Transportation Corp. for Ohioville Acres was continued this evening at 7:25 PM. Supervisor Zatz offered to the audience the opportunity for questions or comments. There being none, Mr. Zatz commented that the hearing would be left opened for the next 30 minutes.

### **MINUTES**

Minutes of January 3, 2012 were approved as written on motion of Councilman Mele, seconded by Councilman Wiegand and carried. The minutes of January 10, 2012 were approved as written on motion of Councilman Mele, seconded by Councilman Koenig and carried. Councilman Wiegand abstained.

### **SIDEWALK UPDATE**

Phase I – since there is no demonstration of the new map on the property owner easement waivers, the DOT wants the waivers re-signed. The DOT has also requested that they be present at a meeting of all the property owners. Supervisor Zatz will contact DOT to discuss this.

### **FEMA**

The Town has been granted \$6,380 of funding for the repair of the park bridge over the culvert leading to the pole barn. No payment has been received for the mitigation work. FEMA grants are paid out as follows: FEMA – 75%, NYS 12 ½%, Town of Gardiner 12 ½%.

### **ASSESSORS CLERK INTERVIEWS**

All resumes have been reviewed and narrowed down to 5 interviewees. Councilman Wiegand suggested that two (2) Town Board members along with the Assessor conduct the interviews rather than the entire Town Board. Board members agreed to this suggestion. Councilmen Mele and Reynolds will assist the Assessor with the interview process.

**TRANSFER STATION ATTENDANT**

Long time transfer station attendant Merry McCall has returned to work after a lengthy absence.

**GARDINER SPRING CLEAN UP**

The annual Gardiner Spring Clean Up is scheduled this year for Saturday April 21 – Earth Day. Gardiner Association of Business would like to help sponsor this event. It may be possible that they will set up a tent and make the day somewhat festive. More information to come.

**REMINDERS**

**Ulster County Legislature** – Ulster County Chairman Terry Bernardo and Ulster County Legislator Tracy Bartels will be attending the April 3<sup>rd</sup> meeting.

**Confidential Secretary** – A quarterly review of the confidential secretary position is scheduled for the April meeting.

**General Insurance Proposal** – On March 15 Bob Stubbs of Marshall & Sterling will present a proposal for the Town’s Insurances for 2012-2013.

**Quarterly Financial Report** – at the April 3<sup>rd</sup> meeting the first quarter financial report will be presented and reviewed.

**PLANNING BOARD**

Board members discussed the structure and new membership of the Planning Board. Supervisor Zatz is in favor of a five (5) member board over a seven (7) member board, however he did contact other towns and all have seven member boards. If the Town was to reduce the number of members it can only be done by term expiration. Councilmen Mele, Wiegand, Koenig and Reynolds all agreed that a seven (7) member board works well.

Supervisor Zatz reminded the Town Board that Town and State laws require annual training for Planning Board and ZBA members. Councilman Mele will talk to the Chairmen of the Planning Board and the Zoning Board of Appeals about the annual training.

Councilman Wiegand stated his concern about whether the Town Board has the right to propagate rules for the Planning Board to abide by. Supervisor Zatz replied yes. Mr. Wiegand then stated that the Town Board should begin establishing rules to make the Planning Board more efficient. Again Councilman Mele offered to speak to Chairman Mike Boylan about this issue as well.

Board members also discussed scheduling a multi-board meeting and advertising for the Planning Board vacancy.

**CLOSE PUBLIC HEARING – OHIOVILLE ACRES WATER TRANSPORTATION CORPORATION**

At 8:10 PM, there being no further questions or comments, a motion was made by Councilman Koenig, seconded by Councilman Wiegand and carried, to close the public hearing on Ohioville Acres.

The following resolution was adopted on motion of Councilman Wiegand, seconded by Councilman Mele and carried.

**Resolution No. 58** – Water Transportation Corporation – Ohioville Acres

**WHEREAS**, Ohioville Acres Corp. (the “Developer”) is the Developer of a subdivision development in the Town of Gardiner (the “Town”) known as Ohioville Acres (the “Project”); and,

**WHEREAS**, the Project will include the construction of up to 135 single family residences and a neighborhood commercial retail/office building and recreational facilities at Ohioville Acres, located on 264.7 acres in the Town of Gardiner, S/B/L #94.002-1-3 (the “Service Area”) and a water supply system is slated to service said Project; and,

**WHEREAS**, the proposed water supply system and water main will connect to a self contained water system, situate upon the 264.7 acres of lands to be developed as aforesaid; and,

**WHEREAS**, the Ohioville Acres Subdivision is not presently serviced by a water district and there is no plan to service said lands, or the inhabitants thereof, with a municipal water district; and,

**WHEREAS**, the water supply will be provided by the Ohioville Acres Water Company, Inc., which entity will contract with the subdivision inhabitants for the supply of water at the Ohioville Acres Subdivision; and,

**WHEREAS**, the terms and conditions of the water supply for the Ohioville Acres Subdivision will be governed by a Water Connection and Supply Contract between the Ohioville Acres Water Company, Inc. and all fee owners of subdivided lots within the Ohioville Acres Subdivision; and,

**WHEREAS**, the Applicant respectfully requests that the Town of Gardiner (the “Town”) consent to the incorporation of the said water works corporation for the Project pursuant to Section 41 of the Transportation Corporation Law, said corporation to be known as the Ohioville Acres Water Company, Inc.; and,

**WHEREAS**, the Project was the subject of a Type 1 Action coordinated review under SEQRA in which the Town Board was the lead agency and received an approved Environmental Impact Statement [EIS] Findings Statement from the Town of Gardiner Town Board as Lead Agency on November 8, 2007; and,

**WHEREAS**, Conditional Final Subdivision Approval was granted by the Town of Gardiner Planning Board on May 19, 2009 for the Ohioville Acres Subdivision; and,

**WHEREAS**, the Developer has submitted detailed plans, maps and associated documentation to the Town and the Ulster County Health Department in accordance with the Transportation Corporation Law of New York State; and,

**WHEREAS**, the Town of Gardiner Superintendent of Highways has or shall have reviewed this matter and consented to the incorporation of the Ohioville Acres Water Company, Inc.; and,

**WHEREAS**, the Water Company aforesaid shall not be deemed to be lawfully operating until the Ulster County Health Department and the Town duly approve or consent to the incorporation of the Water Supply Company herewith and all conditions to the due operation thereof are complied with.

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

**THAT** the Town Board of the Town of Gardiner hereby consents to incorporation of a water works corporation for the Ohioville Acres Subdivision (the “Service Area”) pursuant to Section 41 of the Transportation Corporation Law to be known as the Ohioville Acres Water Company, Inc.; and,

**IT IS FURTHER RESOLVED** that the Town Supervisor, Town Clerk and the Attorney for the Town of Gardiner are hereby directed to take such actions as are necessary to implement this resolution. The Town Supervisor is directed to forthwith execute the appropriate documentation required for formation of the corporation.

**IT IS FURTHER RESOLVED** that this resolution is conditioned upon the following:

1. Approval for water supply is limited to the area described in the Application consisting of 264.7 acres of land (SBL 94.002-1-3);
2. The Consent is not applicable to the off-site sale or use of water as such sales or use were never contemplated or reviewed during the approval process. The Applicant and the Corporation will include language in the indemnity agreement reflecting this condition;
3. Execution of an indemnity agreement by Ohioville Acres and, after formation, the Ohioville Acres Water Company, Inc. indemnifying the Town of Gardiner for any matters relating to water use, supply, etc. The form and content is to be approved by the Attorney for the Town;
4. Unless prohibited by state regulators, prior to construction, Ohioville Acres and the Ohioville Acres Water Company, Inc. are to provide a means of financial security to ensure that there is sufficient capital on hand to make necessary replacements, repairs, or upgrades during the operation and at the normal end of the lifetime of the water supply system. The amount, form and content of said security is to be approved by the Town and shall be in place prior to the issuance of a building permit;

5. Ohioville Acres and the Ohioville Acres Water Company, Inc., once incorporated, shall provide proof of insurance for the Water Works Corporation by submission of a Certificate of Insurance naming the Town of Gardiner as an additional insured on a primary and non-contributory basis, which shall be in place prior to the issuance of a building permit and which shall be maintained in effect until such time as the Water Company formally dissolves as a corporate entity.  
Seconded by Councilman Mele and carried.

**OHIOVILLE ACRES SUBDIVISION IMPROVEMENT AGREEMENT – OFFER OF CESSION**

Board members discussed with attorney David Brennan the subdivision agreement and the offer of cession. They agreed after a lengthy discussion, on motion of Councilman Wiegand, seconded by Councilman Koenig and carried, to approve both agreements, subject to final approval by attorney David Brennan.

**OHIOVILLE ACRES STORM WATER MANAGEMENT AGREEMENT**

A motion was made by Councilman Reynolds, seconded by Councilman Wiegand and carried, approving the storm water management agreement proposed by Ohioville Acres, subject to review and final approval by attorney David Brennan.

**CONSERVATION EASEMENT GUIDELINES**

Board members discussed at length the model/format for conservation easements as well as the monitoring of the easements. No specific decisions were made and will be discussed further at another time.

**SUPERVISOR’S MONTHLY REPORT**

On motion of Councilman Wiegand, seconded by Councilman Mele and carried, the February monthly report of the Supervisor was accepted as presented.

**CLAIMS**

Claims for the month of February were approved for payment on motion of Councilman Wiegand, seconded by Councilman Koenig and carried. They are listed on Abstract #2 as follows: General Fund voucher #52-105 \$20,343.53; Highway Fund voucher #25-60 \$26,137.13; Sewer District voucher #3-6 \$3,195.71.

**BUDGET TRANSFERS**

**Resolution No. 59** - Transfer within General Fund – Offered by Councilman Wiegand  
Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$631.00 from Acct No. 00.01.1330.103 PS Tax Collector Clerk to Acct No. 00.01.1220.105 PS Supervisor Secretary Misc. \$128.00 from Acct No. 00.01.1220.460 CE Contracted Services to Acct No. 00.01.1950.400 taxes assessor real property and \$16,633.00 from Acct No. 00.10.9901.905 Transfer to Capital Sidewalk to Acct No. 00.01.1440.463 Engineer Sidewalk Project.  
Seconded by Councilman Koenig and carried.

**Resolution No. 60** - Transfer within Highway Fund – Offered by Councilman Mele  
Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$2,000.00 from Acct No. 01.04.5110.109 PS Part time Lamark to Acct No.01.02.5110.119 PS Lachinsky.  
Seconded by Councilman Koenig and carried.

**PRIVILEGE OF THE FLOOR**

**John Habersberger** – He volunteered information to the Town Board regarding the HRA program that is used by his company.

**Nancy Cass** – asked if the State Park contacts the Town when they do a controlled burn.

**ADJOURNMENT**

On motion of Councilman Wiegand, seconded by Councilman Koenig and carried, the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk