

December 4, 2012 – Regular Meeting

The Regular Meeting of the Gardiner Town Board was held this evening at 7:29 PM at the Gardiner Town Hall. Present were Supervisor Zatz and Councilmen Koenig, Mele, Reynolds and Wiegand. There were approximately 11± audience members.

The meeting began at 7:29 PM due to Workplace Violence training, required by law, held for Town Board members and the Town Clerk prior to the meeting.

ANNOUNCEMENTS

December 11 – Gardiner Fire Dept. Fire Commissioner elections

NO PARKING

Supervisor Zatz announced that there would be “No Parking” allowed in the Town of Gardiner during a snowstorm from November 15, 2012 through April 1, 2013 from 9:00 PM to 7:00 AM.

BID OPENING FOR 2013 HIGHWAY MATERIALS

The Town Clerk read the legal notice requesting bids for road materials for 2013. Six (6) bids were received: 209 Sand & Gravel, LLC, Callanan Industries, Inc., Scott Barclay Trucking, Grosso Materials, Inc., Gardiner Excavating, Inc. and Osterhoudt Corp. All bids will be turned over to Charles Haynes, Highway Superintendent for his review. Bids will be awarded at the December 11 meeting.

MINUTES

Minutes of November 8 and November 13 were approved as written on motion of Councilman Mele, seconded Supervisor Zatz and carried. The minutes of November 15 were also approved on motion of Councilman Mele, seconded by Supervisor Zatz and carried, however the percentage of tax increase prior to changes made to the budget was corrected to read 11.5%. Councilman Wiegand abstained.

WORKPLACE VIOLENCE POLICY

Resolution No. 91 – Offered by Supervisor Zatz

Whereas, The Town Board of the Town of Gardiner has created a Workplace Violence Policy to meet the requirements of NYS Labor Law 27b and highlighting the procedures for reporting violence or threatening behavior in the workplace; and

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner, a New York State Municipal Corporation, has established a Workplace Violence Prevention Policy and Incident Reporting Policy for Town of Gardiner employees dated December 4, 2012.

Seconded by Councilman Koenig and carried.

Workplace Violence Prevention Policy & Incident Reporting

The Town of Gardiner is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on **The Town of Gardiner** property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included accident reports/DOSH 900 logs/assessments/surveys.

Management and Authorized Employee Representatives will have an ongoing role in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. **Town of Gardiner** has identified response personnel that include a member of management and an employee representative. If appropriate, the town will provide counseling services or referrals for employees. All town personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person: Name: Hank Vance Title Code Enforcement Officer and Building Inspector
Phone: 845-255-9675 x107

Board members indicated that the Workplace Violence Policy will become a part of the Employee Policy.

HIGHWAY FUND UPDATE

Supervisor Zatz reviewed the fund balances for the highway department. He calculated, with the purchase of one truck and the payment of the Bond Anticipation Note for the '09 International the Highway Unexpended Fund Balance, to date is \$198,289. He also calculated the General Unexpended Fund Balance to date to be \$258,434.

DISCUSSION – MUNICIPAL CODE CHAPTER 184 STREETS AND SIDEWALKS

Councilman Koenig spoke about the review that Councilman Mele has done with respect to the outline created in June with Superintendent of Highways Charles Haynes. Mr. Mele reviewed each point and determined that the Town may now move forward with incorporating the changes into law. A draft of the changes will be done and presented to the Board, which will then be drafted in a local law format.

CELL TOWER UPDATE

A letter has been drafted to the judge hearing the case brought against the Town and Wireless Edge regarding the cell tower placement, notifying him that there is no need to obtain a final decision in the case based on the fact that Wireless Edge has withdrawn their application.

Wireless Edge has indicated they are still interested in placing a cell tower within the Town and they plan to submit an application in the future.

JANUARY MEETINGS

Due to the New Year's holiday the January meetings for the Town Board will be held on January 3 and January 8, 2013. Board members agreed and a motion was made by Councilman Wiegand, seconded by Councilman Mele and carried, approving the dates.

ROUTE 299 CAMPGROUND

Councilman Koenig was asked by the adjoining neighbors of the proposed Sam Pryor Shawangunk Gateway Campground to send a letter to Palisades Interstate Park Commission (PIPC) requiring them to appear before the Planning Board for site plan review. Councilman Wiegand pointed out that the Town is in receipt of three (3) separate opinions that PIPC is exempt from our zoning law. They were received from Hank Vance, the Town Building Inspector, the Association of Towns and attorney David Brennan. Councilman Mele felt that the letters from the attorneys were incomplete. Supervisor Zatz believes that the Town has done many mediation meetings and does not think there is much more to be done. If

Councilman Mele would like to draft a letter he suggested he do so. A motion was made by Councilman Koenig, seconded by Councilman Wiegand and carried, authorizing Councilman Mele to draft a letter. George Tukul a neighbor of the proposed campground stated that Mohonk Preserve and PIPC will not enter into a binding contract with the neighbors or the Town. He has concerns with their ability to change the plans without approval. Suggested codifying rules and procedures for enforcement. Eric Weigeshoff was shocked that not one single Town Board member attended the Planning Board meeting that PIPC presented their “good faith” plan for the campground. Also commented about an encounter he had with hunters on the proposed campground property.

PRIVILEGE OF THE FLOOR

Jack Habersberger – asked what PIPC’s position was as to the use of their land. If they should decide to change the plan, can they do so without permission?

ADJOURNMENT

At 8:33 PM the meeting was adjourned on motion of Councilman Koenig, seconded by Councilman Wiegand and carried.

Respectfully submitted,

Michelle L. Mosher
Town Clerk