

February 14, 2017 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this date at the Gardiner Town Hall at 7 PM. Supervisor Majestic presided, with Councilwoman Walls and Councilmen Dukler, Hinson & Reynolds all present. There were approximately 6± audience members.

### **ANNOUNCEMENTS**

February 20 – Town Hall closed in observance of Presidents Day

March 1 – All exemption applications are due.

March 11- Corned Beef & Cabbage Dinner at the Gardiner Firehouse. 2 seatings 5 PM and 7 PM. Adults \$15 kids \$7. Tickets required

April 22 – Earth Day Observance. Town Hall will have a shredder truck available to residents from 9 AM to 12 PM.

### **BOARD VACANCIES**

There are currently vacancies on the Zoning Board of Appeals and the Board of Assessment Review. Any interested persons should contact the Town Supervisor.

A Planning Board seat is up for renewal this year in April. Any interested persons should contact the Supervisor.

### **RESOLUTION LOCAL ROAD INVENTORY**

**Resolution No. 50-** Update Local Road Inventory - Offered by Councilwoman Walls

WHEREAS, the Town of Gardiner Highway Department maintains a record of all Town Roads, and;

WHEREAS, the New York State Department of Transportation (NYSDOT) is required to review the Local Highway Inventory (LHI) to confirm ownership and dimensions for use of said inventory by the Consolidated locate Street and Highway Improvement Program (CHIPS) to help fund repairs, and;

WEHREAS, the NYSDOT is asking the Town to review and certify certain roads that they have questioned during their review;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Gardiner, Ulster County, New York, recognizes the following roads which are owned by the Town, open to the Public, maintained by the Town of Gardiner Highway Department and the Town accepts legal responsibility for these roads:

1. Arch Street: Beginning at State Route 44/55 (Main Street) for 0.029 tenths of a mile by 20 feet wide to Farmers Turnpike (DOT #197166).
2. Broadhead Street: Beginning at State Route 44/55 (Main Street) for 0.0257197 tenths of a mile by 20 feet wide to the dead end.
3. Milk Street: Beginning at Dusineberre Road (DOT #197161) for 0.070 tenths of a mile by 20 feet wide (with 9 feet of parking area on one side) to Second Street (DOT #197209).
4. Second Street (DOT #197209): Beginning at State Route 44/55 (Main Street) for 0.077 tenths of a mile by 20 feet wide (with 9 feet of parking area on one side) to dead end.

Seconded by Supervisor Majestic and carried.

### **HEALTH INSURANCE RENEWAL**

The Board has had the opportunity to review two proposals for the 2017 health insurance. A motion was made by Councilwoman Walls, seconded by Councilman Dukler and carried, to

contract for the 2017 health insurance with Marshall & Sterling as our agent and MVP Liberty Silver 3 health plan.

**JUSTICE COURT GRANT SCOPE OF WORK**

The Town has been awarded a grant through the Justice Court in the amount of 10,678.91. This grant will be used for the replacement of the lobby doors. Supervisor Majestic is currently waiting on door descriptions before doing the scope of work.

Councilman Hinson stated that he had a conversation with Mohonk Preserve regarding a contribution from them to be used as funding to replace the doors. They stated that they will take into consideration.

**DEDICATION OF NYS POLICE SUBSTATION**

**Resolution No. 51 Dedication of the NYS Police – Peter J. Brennan**

Offered by Councilwoman Walls

WHEREAS, prior to the year 1976, the Town of Gardiner and numerous Southern Ulster County Towns were patrolled by New York State Police Highland. The large patrol area often resulted in a situation of light Police coverage in Southern Ulster County, and;

WHEREAS, the need for adequate patrol coverage was recognized by Major Peter J. Brennan, a resident of the Town of Gardiner. Major Brennan in coordination and cooperation with Town of Gardiner Supervisor John Bonagura and Town Board members Leonard Tantillo, Robert Lacouette, Samuel Stokes and J. Philip Zand, along with Gardiner Fire Chief Richard Clinton, facilitated the approval of and the siting and staffing of the New York State Police Substation at Gardiner NY at the Gardiner Firehouse in 1976, and;

WHEREAS, the foresight and diligence of Major Peter J. Brennan enabled the enhanced Police Patrol coverage in the Town of Gardiner and the Towns of Southern Ulster County, and;

WHEREAS, the New York State Police Substation at Gardiner has served the Town of Gardiner for forty years and the New York State Police have served the people of Gardiner and New York State for 100 years,

NOW, THEREFORE, BE IT RESOLVED, that the portion of the Town of Gardiner Town Hall allocated to the New York State Police Substation be dedicated in honor of

**Major Peter J. Brennan, Retire, New York State Police.**

Seconded by Councilman Dukler and carried.

**REVIEW OF SOLAR LAW**

The Town Board has received a draft copy of the Solar Law from the attorney's office. A brief review resulted in questions and clarification of several areas of the law. The board is looking for guidance on financial security for the decommissioning process, setbacks from the property line & from structures within the property and fencing along the property line. Board members would also like information in regard to a Pilot Agreement for Solar facilities. A special meeting was scheduled for Thursday February 23 at 2 PM to review the law with changes and possibly set a public hearing.

**MASS GATHERING PERMIT – CUPCAKE FESTIVAL**

Board members have reviewed the application for the Cupcake Festival and all agree that better mapping and more details are needed with the conversations with the various safety organizations i.e. state police, emergency management, fire & rescue etc. They would also like insurance documentation.

Councilman Dukler is also concerned with toilet facilities, looking for documentation of what is needed.

Councilwoman Walls – would like to see emergency evacuation plans and locations of first aid stations.

**RESOLUTION 2017 MACK TRUCK FINANCING**

**Resolution No. 52** Mack Truck Financing - Offered by Councilwoman Walls

WHEREAS, the above Lessee is a political subdivision of the State of New York (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of a lease-purchase agreement (“Equipment Lease”) in the principal amount not exceeding the amount stated above (“Principal Amount”) for the purpose of acquiring the property generally described below (“Property”) and to be described more specifically in the Equipment Lease is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

2018 Mack Granite GU712 with plow equipment

WHEREAS, Key Government Finance, Inc. (“Lessor”) is expected to act as the Lessor under the Equipment Lease.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Lease (“Lease Purchase Proceeds”) for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Lease and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Lease results in a lower overall cost to the Lessee. Execution of the Equipment Lease will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the “Project”) and is hereby authorized to finance the Project by entering into the Equipment Lease. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Town Supervisor **OR** Councilwoman Walls (each an “Authorized Representative”) acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver the Equipment Lease in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the

Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Lease are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Lease on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Lease shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Lease and the Equipment Lease shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Lease shall be subject to annual appropriation or renewal by the Governing Body as set forth in the Equipment Lease and the Lessee's obligations under the Equipment Lease shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

Section 8. It is hereby determined the term of the Equipment Lease authorized by this resolution will not be in excess of four (4) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. **BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.**

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

Seconded by Councilman Dukler and carried.

**MOHONK PRESERVE**

Mohonk Preserve has requested a letter of support from the Town of Gardiner for their grant application to the NYS DEC for Trapps Tree Planting Project. A motion was made by Supervisor Majestic, seconded by Councilwoman Walls and carried, authorizing the Supervisor to send a letter.

**MINUTES**

Minutes from January 3 & January 10, 2017 were approved as written on motion of Councilman Reynolds, seconded by Councilwoman Walls and carried.

**SUPERVISOR MONTHLY REPORT – PARTIAL DECEMBER 2016**

On motion of Councilman Dukler, seconded by Councilwoman Walls and carried, the partial Supervisor's report for December 2016 was approved as presented.

**CLAIMS – PARTIAL DECEMBER 2016**

Partial claims for the month of December were approved for payment on motion of Councilman Hinson, seconded by Councilman Reynolds and carried. They are listed on Abstract #12B as follows: General Fund voucher #643-648 \$3,889.74; Highway Fund voucher #550-553 \$2,171.76.

**BUDGET TRANSFERS**

**Resolution No. 53** – Budget Transfer in General Fund – Offered by Councilman Reynolds Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$452.62 from Acct No. 00.01.1355.201 CE Capital Equipment to Acct No. 00.01.1355.101 PS Assessor, \$216.62 from Acct No. 00.01.1355.201 CE Capital Equipment to Acct No. 00.01.1355.103 PS Fieldworker, \$569.50 from Acct No. 00.01.1440.460 CE Outside Professional Service to Acct No. 00.01.1420.401 CE Codification, \$37.85 from Acct No. 00.01.1440.461 CE Water Monitoring to Acct No. 00.01.1420.401 CE Codification, \$220.00 from Acct No. 00.01.1620.412 CE Electric to Acct No. 00.04.5182.401 CE Street Lighting, \$1326.00 from Acct No. 00.01.1330.103 PS Tax Clerk to Acct No. 00.01.1330.401 CE General Misc., \$569.50 from Acct No. 00.01.1440.460 CE Outside Professional Service to Acct No. 00.01.1420.401 Codification, \$38.50 from Acct No. 00.01.1470.461 CE Water Monitoring to 00.01.1420.401 CE Codification, and \$80.00 from Acct #00.01.1410.403 CE Conference to Acct No. 00.014.1410.421CE Town Clerk Supplies Seconded by Councilman Dukler and carried.

**Resolution No. 54** – Budget Transfer in Highway Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$1,930.51 from Acct No.01.04.5110.113 PS Part Time Regular to Acct No. 01.04.5110.117 CE PS Scofield, \$217.12 from Acct No. 01.04 5110.113 PS Part Time Regular to Acct No. 01.04.5110.118 PS Fletcher, \$1,212.03 from Acct No. 01.04.5142.400 CE Misc Material to Acct No. 01.04.5142.100 PS O/T Snow and \$998.81 from Acct No. 01.08.9060.801 CE Health Ins. to Acct No. 01.08.9030.800 CE FICA Seconded by Councilman Hinson and carried.

**Resolution No. 55** – Budget Transfer in Sewer Fund – Offered by Councilman Dukler  
Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$219.00 from Acct No.03.07.8110.464 CE Chlorine to Acct No. 03.07.8110.463 CE Electricity.  
Seconded by Councilman Hinson and carried.

**SUPERVISOR MONTHLY REPORT**

The January supervisor's report was approved as presented on motion of Councilman Dukler, seconded by Councilman Reynolds and carried.

**CLAIMS**

Claims for the month of January were approved for payment on motion of Councilwoman Walls, seconded by Councilman Reynolds and carried. They are listed on Abstract #1 as follows:  
General Fund voucher #1-47 \$71,688.75; Highway Fund voucher # 1-24 \$27,134.64; Sewer Fund voucher # 1-3 \$3,582.50.

**BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS**

**Resolution No. 56** – Supplemental Appropriation in Sewer Fund – Offered by Councilwoman Walls

Resolved, pursuant to Section 122, Town Law, the 2017 Annual Budget, Sewer Fund, is amended to provide for supplemental appropriations of \$ 3,500.00 from Acct No. 03.07.8110.465 and \$1,200.00 03.07.8110.468 CE Repairs.

Further Resolved, said money to be taken from the Unreserved Fund Balance in the Repair Sewer #23 Fund.

Seconded by Councilman Dukler and carried.

**SNOWPLOW RIDE**

Superintendent of Highways Stiscia took Supervisor Majestic on a ride in one of the large snowplows during a snowstorm. She much appreciates the work and expertise of plow drivers after her ride.

**ADJOURN**

At 9:10 PM the meeting was adjourned on motion of Councilwoman Walls, seconded by Supervisor Majestic and carried.

Respectfully, submitted

Michelle L. Mosher  
Town Clerk