

July 14, 2015 – Monthly Meeting

The monthly meeting for Gardiner Town Board was held this evening at the Gardiner Town Hall at 7:00 PM. Supervisor Zatz presided with Councilmen Dukler, Hinson, Wiegand and Reynolds all present. There were approximately 20 ± audience members.

### **ANNOUNCEMENTS**

July 16 – 13<sup>th</sup> Annual Classic 5K Run/Walk and BBQ. 6:30 PM Sharp at Majestic Memorial Park – rain or shine. All proceeds to benefit the Gardiner Fire Dept. and the Rail Trail.

August 9 – Saratoga Raceway Bus Trip. Ticket Cost \$65 includes transportation, admission and grandstand reserved seating. Sponsored by the Gardiner Day Committee.

Sept. 12 – Gardiner Day. Food, beverage and craft vendors still needed. Contact the Town Hall for more information.

### **SOLAR PRESENTATION**

Solar USA Power LLC representative Wendy Flynn made a presentation to the Town Board on solar development in the Town of Gardiner. The plan is to create a solar farm on landfill property at no cost to the Town. Approximately 6.5 acres of the land will be used for the farm and the Town will receive \$300 per acre of land used per year. Solar USA Power partners with Greenswitch to provide solar power systems throughout the country and the world. There plan is to offer an off-grid system to provide alternative sources of power to residents and businesses in the Town. It would be a 20-25 year contract. A power purchase agreement would be created between the company and the Town resulting in a reduced rate in energy costs. Residents would have to sign up to receive this reduced rate. Maintenance is provided by Solar USA Power who will hire a firm licensed and qualified in solar maintenance. Board members requested references from other municipalities so they may obtain their perspective of how well this works in their towns.

### **TRANSFER STATION MANAGEMENT RENUMERATION**

Councilman Reynolds has agreed to take over the management of the recycling coordinator and has asked for a \$2500 annual salary for this responsibility. Board members discussed this back and forth until Supervisor Zatz made a motion to allow for a \$2500 stipend for the added responsibilities. Mr. Zatz felt a vote was the only way to solve the discussion. Councilman Reynolds seconded the motion. Voting was as follows: Councilmen Hinson and Reynolds voted aye, Supervisor Zatz and Councilmen Dukler and Wiegand voted nay.

Councilman Dukler volunteered to step in to manage Wendy and a motion was made by Supervisor Zatz, seconded by Councilman Wiegand to allow for Councilman Dukler to manage Ms Toman. Voting was as follows: Councilmen Hinson & Reynolds voted nay, Supervisor Zatz and Councilmen Wiegand and Dukler voted aye. Councilman Dukler will take over the management of the transfer station and the recycling coordinator effective immediately. He will not collect any salary or stipend.

### **ULSTER COUNTY PLANNING BOARD RESIGNATION**

Planning Board member Raymond Sokolov is stepping down from the Ulster County Planning Board position effective immediately. The Planning Board has recommended Board member

Kathy Hudson to replace him. On motion of Councilman Wiegand, seconded by Councilman Hinson and carried, Ms Hudson was appointed to the Ulster County Planning Board.

**UNPAID LEAVE FOR LABOR CONTRACT EMPLOYEE**

Councilman Reynolds spoke on behalf of Recycling Coordinator Wendy Toman who has requested two (2) days of unpaid leave to be added to her vacation request in August. Ms Toman had a copy of the Collective Bargaining Agreement (CBA) outlining the unpaid leave guidelines. Supervisor Zatz noted the CBA does not allow for unpaid leave unless it is requested thirty (30) days in advance, in writing, to the Town Supervisor. After some discussion a motion was made by Councilman Dukler, seconded by Councilman Wiegand and carried to approve a (2) day unpaid personal leave of absence to coincide with Ms Toman’s vacation in early August. Supervisor Zatz stated before the vote that these exceptions are not the way to do business. The CBA says 30 days notice and a reasonable explanation for the request. Neither has been provided. The Town Board must be able to respond to other employees of the Town as to why this exception was done despite the fact that the CBA says we should not. Has the Town Board established a precedent for unpaid personal leave.

**GARDINER DAY MASS GATHERING PERMIT**

**Resolution No. 80** - Permit for Outdoor Assembly In the Matter of Gardiner Day

Offered by Councilman Dukler

**Whereas** , the Town of Gardiner has adopted certain rules and regulations governing outdoor musical entertainment, amusement and assemblies in order to provide for public order and the protection of safety, health and well-being of persons and property within the Town known as Chapter 107 of the Municipal Code, and

**Whereas**, the Gardiner Day Committee has proposed to hold an event known as “Gardiner Day” on Saturday September 12, 2015 at the premises known as George Majestic Memorial Park on Murphy Lane in the Town of Gardiner which is reasonably expected to attract more than 1000 persons, and

**Whereas**, the applicant has provided the Town Board with information concerning the purpose of the event, the hours of operation, the provision of adequate off-street parking, the provision of fire lanes and toilet facilities, evidence of compliance with the Health Department regulations, proof of adequate liability insurance and copies of notice sent to area police agencies, fire departments and rescue squads, and

**Whereas**, the Town Board is satisfied that adequate provisions have been made by the applicant and that planned event will not disturb the public order and safety, then

**Resolved**, the Town Board of the Town of Gardiner hereby grants a permit for an outdoor assembly known as “Gardiner Day” to be held on Saturday September 12, 2015, between the hours of 11:00 A.M. and 4:30 P.M. at George Majestic Memorial Park on Murphy Lane in accordance with the application presented to the Town.

Seconded by Councilman Hinson and carried.

**INFRASTRUCTURE UPDATES**

**Salt Shed** - Councilman Wiegand updated the Board on the progress of a new salt shed. Initially he was in favor of a fabric roof. However, the fabric roof will take away a substantial area of

storage for the highway equipment so Mr. Wiegand is recommending what the Superintendent of Highway suggest. Reconsider the fabric roof decision and consider a gambrel roof instead.

Additional cost would be approximately \$150,000.

Councilman Wiegand spoke about the \$300,000 to \$400,000 available in reserve funds. He is currently speaking with attorney Mitch Jaiven in finding how to unlock these funds for use for other projects.

**Park Pavilion** - Supervisor Zatz met with Tom Harvey of Morris Associates to discuss the cost to repair the Park pavilion. Estimated cost is \$23,000 to \$34,000 and the Town will need to follow a bid process. Mr. Harvey will create the RFP. Supervisor Zatz is expecting to fund this through the reserve funds. He would like to see all work completed by Gardiner Day.

Another area Mr. Zatz would like cleaned up and developed are trails around the park. By the pavilion, along the stream, is an established trail that needs a little clean up and signage. At the back of the ball field is another trail that needs some repair, signage and re-routing that would create a wonderful bike trail. Grills also need replacement at the pavilion.

Councilman Reynolds believes a group can be mobilized for volunteer labor. Councilman Dukler state that this is low cost maintenance and sweat equity only.

**Pole Barn** - Supervisor Zatz met with Lowe Plumbing & Heating. Several options are available for heating of the pole barn. The best option is a split A/C unit with propane blowers for the heat in the winter and A/C for summer. Two (2) units cost about \$18,000. It is still not certain if two (2) are needed. Remaining are the bathroom divider installation and kitchen completion.

**Rail Trail** - Minor repairs will be done to the Rail Trail bridge over Forest Glen Road for now. Morris Associate engineer Tom Harvey will review the bridge and draw up specifications for the needed repairs.

**Transfer Station** - Councilman Reynolds is suggesting using the reserve funds to construct the new building for the recycling center. He would like an RFP to be drawn up and start the construction as soon as possible. Councilman Wiegand suggested going forward with an RFP just to get solid numbers.

**Town Hall** - Councilman Hinson met with Glenn Hoagland of Mohonk Preserve and received a \$2,000 check to help defray the costs to repair the Town Hall. Mr. Hinson did a review of the outside of the building and found two (2) areas of immediate concern – the Verizon substation fencing is falling down and the dog park needs serious attention. Today the Town Clerk had the dog park mowed and the garbage picked up and discarded properly. Mrs. Mosher intends to have the planters cleaned out as well and planted with seasonal flowers. Councilman Hinson will have a presentation at the next meeting to be held in August.

**Town Hall Ball Field** – Councilman Dukler noted that the ball field located at the Town Hall needs attention. Users of the field are willing to do repair work as long as the Town provides materials. Mr. Dukler will reach out to the volunteers.

**JUSTICE COURT GRANT**

Supervisor Zatz commented that it is time for the justice court to apply for their annual grant. This grant can be used to do improvements to court buildings. A proposal needs to be created and can be made a part of the grant application. This needs to be done as soon as possible.

**AMENDED 284 AGREEMENT**

Superintendent of Highways Brian Stiscia presented an amended 284 Agreement for 2015. The remaining balance of \$21,000 will be expended in accordance with the revised agreement as filed in the Town Clerk's Office. Motion to accept the amendment was made by Councilman Wiegand, seconded by Councilman Dukler and carried.

**DUSINBERRE ROAD REPAIR**

Superintendent Stiscia addressed the flooding & drainage issue on Dusinberre Road. He intends to begin repair work in 2016. This will be a very tough project as underground pipes will need to be replaced. Surveying and elevations have been done. Mr. Stiscia is hoping to use a highway repair reserve to help offset the approximate \$100,000 cost for this repair. It is a very dangerous situation that needs attention as soon as possible.

**MINUTES**

Minutes of May 12 and June 2 were approved as written on motion of Councilman Dukler, seconded by Councilman Wiegand and carried.

**NEW PALTZ TRANSPORTATION AGREEMENT – SUMMER RECREATION**

The Town Board is in receipt of the New Paltz School District bus agreement for the summer recreation program for 2015. On motion of Councilman Dukler, seconded by Councilman Wiegand and carried, the Supervisor was authorized to sign the agreement.

**OLD LIBRARY/FIREHOUSE BUILDING**

Councilman Reynolds brought up his suggestion that the Gardiner Fire Department get a percentage of the proceeds of the sale of the old library/firehouse building. He is interested in giving approximately 15% - 20% or \$15,000 to \$20,000. Councilman Wiegand suggested giving \$10,000 to the Fire Department and \$10,000 to the Library. Councilman Dukler would be more comfortable with a smaller figure. He sees this as a symbolic gesture and suggested \$5,000 to each. Councilman Hinson suggested contacting the Fire Dept. to see if they have a project they need some funding for. Supervisor Zatz reminded the Board that this is not found money. The building was a Town asset that was liquidated. He suggest for financial purposes budgeting this monetary gesture for the 2016 budget.

**SUPERVISOR MONTHLY REPORT**

The June Supervisor Report was approved as presented on motion of Councilman Wiegand, seconded by Councilman Dukler and carried.

**CLAIMS**

Claims were approved for payment on motion of Councilman Wiegand, seconded by Councilman Dukler and carried. They are listed on Abstract # 6 as follows: General Fund voucher #245-286 \$19,062.49; Highway Fund voucher #146-165 \$150,802.19; Sewer Fund voucher #14-21 \$3,688.45.

**BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS**

**Resolution No. 81** – Transfer within Highway Fund – Offered by Councilman Wiegand Resolved, pursuant to Section 112, Town Law, the 2015 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$9,102.00.00 from Acct No. 01.04.5112.336 Perm. Improvements to Acct No. 01.04.5112.367 Guilford Road, \$2,545.00 from Acct No. 01.04.5112.336 Perm. Improvements to Acct No. 01.04.5112.368 Emils Road \$4,748.00 from Acct No. 01.04.5112.336 Perm Improvements to Acct No. 01.04.5112.369 Durmo Road, \$3,605.00 from Acct No. 01.04.5112.336 Perm. Improvements to Acct No. 01.04.5112.370 Arden Lane and \$252.00 from Acct No. 01.04.5112.355 Lower Forest Glen Road to Acct No. 01.04.5112.370 Arden Lane.

Seconded by Councilman Dukler and carried.

**Resolution No. 82** – Transfer within General Fund – Offered by Councilman Wiegand Resolved, pursuant to Section 112, Town Law, the 2015 Annual Budget, General Fund is hereby amended to provide for the transfer of \$315.00 from Acct No. 00.07.8160.415 CE Improvement Transfer Station to Acct No. 00.07.8160.401 CE Transfer Station Misc. \$510.00 from Acct No. 00.07.8160.415 CE Transfer Station Improvement to Acct No. 00.07.8160.413 CE Transfer Station Repair & Maintenance, \$200.00 from Acct No. 00.07.8160.415 CE Transfer Station Improvement to Acct No. 00.07.8160.421 CE Transfer Station Office Supplies., \$300.00 from Acct No. 00.01.1420.470 CE Labor Relations to Acct No. 00.01.1420.403 CE Registrar Vital Statistics and \$25.00 from Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.401 CE Misc. Expense.

Seconded by Councilman Dukler and carried.

**Resolution No. 83** – Supplemental Appropriation Sewer Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2015 Annual Budget, Sewer Fund is hereby amended to provide a supplemental appropriation in the amount of \$100.00 in Acct No. 03.07.8110.469 CE Outside Prof. Service.

Further resolved, said moneys to be taken from the unexpended balance in the Sewer Fund.

Seconded by Councilman Dukler and carried.

**Resolution No. 84-** Transfer within Sewer Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2015 Annual Budget, General Fund is hereby amended to provide for the transfer of \$527.00 from Acct. No 03.01.1910.400 CE Insurance to Acct No. 03.01.8110.469 CE Outside Service.

Seconded by Councilman Dukler and carried.

**Resolution No. 85-** Transfer within Highway Fund – Offered by Councilman Wiegand Resolved, pursuant to Section 112, Town Law, the 2015 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$1,000.00 from Acct. No 01.04.5110.113 PS PT Regular to Acct No. 01.04.5110.111 Working Foreman and \$1,600.00 from Acct No. 01.08.9089.802 Meal Allowance to Acct No. 01.04.5110.108 PS REG Road Overtime. Seconded by Councilman Dukler and carried.

**Resolution No. 86-** Transfer within Highway Fund – Offered by Councilman Wiegand Resolved, pursuant to Section 112, Town Law, the 2015 Annual Budget, Highway Fund is hereby amended to provide for the transfer of \$628.00 from Acct. No 01.04.5140.100 PS OT Brush & Weeds to Acct No. 01.04.5110.108 PS Rd Overtime, \$367.00 from Acct No. 01.04.5140.100 PS OT Brush & Weeds to Acct No. 01.04.5110.111 PS Working Forman and \$80,600.00 from Acct No. 01.09.9730.610 Debt Service Principal to Acct No01.09.9730.611 Bond Principal (Dump truck). Seconded by Councilman Dukler and carried.

#### **CELL TOWER UPDATE**

Supervisor Zatz stated that the cell tower is up but no antennas have been installed AT&T is on hold at this time.

#### **MARAKILL BRIDGE**

Repairs to the bridge over the Marakill is scheduled to begin in March 2016. The road will not be closed during the repairs.

#### **PRIVILEGE OF THE FLOOR**

Jack Habersberger – questioned why an employee must request an unpaid leave 30 days prior. Scott Bittner – suggested to check with the neighbors of the landfill to be sure no one will be offend by a solar field.

Wendy Toman – commented that she felt the offer of compensation to one employee to mange her and not to another seems very fishy to her. Also commented that a lot goes on behind the scenes amounting to great responsibility and physical labor by her compared to the Town Board just crunching numbers for the budget, research and park improvement. Next Ms Toman wanted to know the basis of the Supervisor’s statement that she left her helpers in charge and not a trained substitute when she was on personal leave. Supervisor Zatz stated that it matched with the helpers’ time card. Ms Toman stated that she received approval by her supervisor at the time, Mike Reynolds, and it was inappropriate for the Town Supervisor to butt in and accuse her during a public meeting of improper behavior. She wants Mr. Zatz’s comments stricken from the record.

Mary Beth Majestic – the Gardiner Fire Dept. gave the old library building to the Town in the 70’s. Also commented that the Fire Dept. did make an attempt to regain ownership of the building a few years ago.

Laura Walls – Attended a NYS Planning Federation Conference recently where they addressed additional compensation. It was stated at the conference that Town Board members may not be able to receive extra compensation for town duties. Town Clerk Michelle Mosher also stated

that at budget time salaries of elected officials are advertised with the public hearing notice. Once advertised elected officials salaries cannot be increased except by local law.

**ADJOURNMENT**

On motion of Councilman Wiegand, seconded by Councilman Dukler and carried, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk