

November 10, 2016 – Regular & Budget Public Hearing Meeting

The regular meeting and the budget public hearing were this evening at the Gardner Town Hall at 7 PM. Present were Supervisor Majestic, Councilwoman Walls and Councilmen Dukler & Hinson. Councilman Reynolds was absent. There were approximately 13± audience members.

ANNOUNCEMENTS

Nov. 11 – Town Hall & Transfer Station will be closed in observance of Veterans Day.

Nov. 13 – Veterans Day breakfast at the Gardiner Fire Dept. Veterans are free.

Dec. 2 – Annual Tree Lighting. Sponsored by the Gardiner Day Committee.

PUBLIC HEARING – LOCAL LAW TAX CAP OVERRIDE

The Town Clerk read the legal notice for the local law entitled tax cap override at 7:10 PM.

Supervisor Majestic opened the hearing to the public for any questions and/or comments.

Councilman Hinson - explained the law was put into place to protect the public from taxes increasing.

Glen Noonan - spoke against the law. He commented that the County has taken over a sizeable burden from the Town for Elections and Safety Net. Where did these funds go? He feels that the funds have been mismanaged by the Town Board. He also questioned the salary increases and doubted that a salary study was even done with adjoining towns. Mr. Noonan is dismayed that the elected officials would accept an increase in salary especially those in their first year of office.

Tom Francese – commented that he is against the law.

Supervisor Majestic – commented that she actually did do a salary study that Mr. Noonan had doubted and believes that the Town Board has reinstated the salary from the previous year for both the Supervisor and the Town Board.

Councilman Dukler – commented that this year's tax cap is .68% and the proposed budget is .87%. As to the alleged financial mismanagement claimed by Mr. Noonan, he finds this totally distasteful and demeaning. The added funds have been used wisely for replacement of highway equipment and costs to the disrepair of the Clove Road Bridge, which has been neglected by the County and has left the burden of repair with the Town. He resents the charges of financial mismanagement and believes they are hyperbolic, misleading and dishonest. The budget came in so low after many years of underfunding and Mr. Noonan owes the Town Board an apology. Councilman Hinson – Assured the audience that the money has been absorbed into the budget and spent elsewhere. The budget is actually increasing spending by 7% but it has been offset with unexpended funds. Mr. Hinson believes that the Town Board should establish a maximum tax cap.

Warren Wiegand – stated that the Town Board is understating the actual numbers. Reminded the Town Board that the \$150,000 budgeted last year for the salt shed was not used.

CLOSE PUBLIC HEARING – LOCAL LAW TAX CAP OVERRIDE

On motion of Supervisor Majestic, seconded by Councilwoman Walls and carried, the public hearing was closed at 7:20 PM. Councilman Hinson voted nay.

ADOPT LOCAL LAW – TAX CAP OVERRIDE

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the Local Law tax cap override was adopted. Councilman Hinson voted nay. The law was adopted as follows:

A local law to override the tax levy limit established in General Municipal Law § 3-Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Gardiner pursuant to General Municipal Law § 3-c, and to allow the Town of Gardiner to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Gardiner, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

PUBLIC HEARING – 2017 BUDGET

The Town Clerk read the legal notice for the 2017 Budget at 7:25 PM. Supervisor Majestic opened the hearing to the public for any questions/comments.

Glenn Noonan – questioned why the public was given a budget dated 10/28 but the hearing is addressing a budget dated 10/31. Also asked where unencumbered funds were in the budget. Supervisor Majestic – explained the County noticed two errors that she correct, which did not change any figures of the budget.

Secondly, Ms Majestic commented about reserve funds and how an intern is currently researching on how dormant funds can be used.

Glenn Noonan – commented that the Town’s anticipation of mortgage tax and sales tax revenue is off especially since this year has not even reached the 2016 proposed revenue.

Supervisor Majestic – explained that a call was made to the County Clerk’s office requesting what the final payment on the mortgage tax and sales tax for 2016 will be. Ms Majestic stated that we will exceed the 2016 expectation.

Councilman Hinson – personally believes that the Town has wonderful employees and would gladly give all raises, however he is fiscally opposed to raises.

Rich Koenig – stated that it was a privilege to serve on the Town Board and felt his salary was adequate. No one has ever said that the Town Board or Town employees do not work hard.

Salary does not reflect on the appreciation for the amount of work the Town Board puts forward. Also he suggested that the \$10,000 amount of increase in the budget could be taken from the unexpended funds.

CLOSE PUBLIC HEARING-2017 BUDGET

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the public hearing on the 2017 budget was closed at 7:50 PM.

2017 BUDGET DISCUSSION

Supervisor Majestic made a few adjustments to the budget. Under Traffic Control there is a typographical error which was corrected from \$19 to \$1500. Under Health Insurance the Town was informed just today that MVP Gold will be increasing 15%. Since we have time to sign the agreement, we will look into other plans. Adjustments will be made to the budget as necessary. Supervisor Majestic had done some research on the Tax Stabilization Fund and found that the Town is allowed 15% of the total budget of the General Fund and Highway Fund. It was thought that it only applied to the General Fund and \$4000 of the fund was taken to offset the budget. Since this was incorrect the \$4000 has been removed from the budget.

Councilwoman Walls suggested that we begin next year with a look at a 5 year budget plan. Councilman Hinson is concerned with making up the unexpended balance that is being used for the budget this year.

ADOPTION OF 2017 BUDGET

On motion of Councilwoman Walls, seconded by Supervisor Majestic and carried, the 2017 Budget was adopted as corrected above. Councilman Hinson voted nay.

PUBLIC HEARING LOCAL LAW RESIDENCY REQUIREMENTS

At 8:05 PM the Town Clerk read the legal notice opening the public hearing for the local law entitled Residency Requirements. Supervisor Majestic explained that the purpose of the law is to allow for the Town to hire individuals who do not reside within the town limits. Currently more than half of the staff lives outside of the town.

Supervisor Majestic opened the hearing to the public for any questions/comments.

Glenn Noonan – questioned whether or not the town would be able to hire off the civil service list.

CLOSE PUBLIC HEARING – LOCAL LAW RESIDENCY REQUIREMENTS

At 8:07 PM the public hearing was closed on motion of Supervisor Majestic, seconded by Councilwoman Walls and carried.

ADOPTION OF LOCAL LAW RESIDENCY REQUIREMENTS

On motion of Supervisor Majestic, seconded by Councilman Dukler and carried the local law entitled Residency Requirements was adopted as follows:

Be It Enacted by the Town Board of the Town of Gardiner, New York, as follows:

Section 1. Title:

A local law to establish the residency requirements for appointed offices in the Town of Gardiner.

Section 2. Authority:

This local law is adopted pursuant to Municipal Home Rule Law Section 10(1) (ii) (a) (1) that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature has made numerous amendments to Public Officers Law §3 and Town Law §23 expanding the residency requirements for various appointed public officers and officials in towns within the State of New

York, thereby rendering Public Officers Law §3 and Town Law §23 special laws with respect to any appointed town officer (See of N.Y. Ops. Atty. Gen.(Inf.) No-2000-5)

Section 3. Supersession:

This local law shall supersede Town Law, Section 23(1) in its application to local appointed officials for the Town of Gardiner.

Section 4. Residency:

Chapter 58 of the Code of the Town of Gardiner is amended by adding Section 58.4 as follows: Residency requirements for appointed positions in the Town of Gardiner: Persons holding appointed positions in the Town of Gardiner need not be a resident nor an elector of the Town of Gardiner, provided, however, that such person shall reside in Ulster County or an adjoining county within the State of New York.

Section 5. Inconsistency:

All other local laws of the Town of Gardiner that are inconsistent with the provisions of this local law are hereby repealed; only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws regulating and governing the subject matter covered by this local law.

Section 6. Savings Clause:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Effective Date:

This local law shall be effective immediately upon filing thereof with the Secretary of State.

2017 HIGHWAY MATERIALS

Superintendent of Highways Stiscia presented a list of materials for bid for 2017. The Town Clerk will prepare a bid notice scheduling the opening for December 6 at 7 PM.

TOWN OF SHAWANGUNK SHARED SERVICES – DOG KENNEL

On motion of Councilwoman Walls, seconded by Councilman Hinson and carried, the Supervisor was authorized to sign a contract with the Town of Shawangunk for shared services for the Town's dog kennel for a period of January 1, 2017 through December 31, 2017.

MVP GOLD

Supervisor Majestic announced that she was informed that the premium for the MVP Gold insurance policy for retirees will be increasing 15%. Ms Majestic has asked the Town's insurance agent to research other companies for a better premium. However, in the event that a better rate will not be found, the Supervisor would like authorization to sign the MVP contract at the 15% increase. A motion was made by Councilwoman Walls, seconded by Councilman Dukler and carried, authorizing the Supervisor to sign the contract.

PARKS & RECREATION

The Town Board accepted the resignations of Jaynie Marie Aristeo, Amity Dippel and Carol Ann Lohrman from the Parks & Recreation Commission, on motion of Councilwoman Walls, seconded by Councilman Dukler and carried.

APPOINTMENTS TO PARKS & RECREATION

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the following were appointed to the Parks & Recreation Commission:

Brian Houser – Chairman

Andrew Lewis, Claudia Pulgarin, Michele Tomasicchio and Josh Platt.

MINUTES

On motion of Councilman Dukler, seconded by Councilwoman Walls and carried, the minutes of September 6 & 15 and October 4 & 11 were approved as written.

SUPERVISOR MONTHLY REPORT

The Supervisor's report for the month of October was accepted as presented on motion of Councilwoman Walls, seconded by Councilman Dukler and carried.

CLAIMS

Claims were approved for payment on motion of Councilwoman Walls, seconded by Councilman Dukler and carried. They are listed on Abstract #10 as follows: General Fund voucher #463-526 \$26,300.29; Highway Fund voucher #463-476 \$22,478.60; Sewer Fund voucher #37-44 \$9,582.77; Gardiner Light voucher #2 \$345.13.

BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS

Resolution No. 96 – Supplemental Appropriation Sewer Fund – Offered by Councilwoman Walls

Resolved, pursuant to Section 112, Town Law, the 2016 Annual Budget, Sewer Fund is hereby amended to provide a supplemental appropriations in the amount of \$4100.00 in Acct No. 03.07.8110.465 CE Septic Cleaning.

Further resolved, said moneys to be taken from the unexpended balance in the Sewer Fund. Seconded by Councilman Dukler and carried.

Resolution No. 97 – Budget Transfer in Highway Fund – Offered by Councilwoman Walls
Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$700.00 from Acct No. 01.04.5110.108 PS Reg Overtime to Acct No. 01.04.5110.111 Working Foreman.

Seconded by Councilman Dukler and carried.

Resolution No. 98 – Budget Transfer in Sewer Fund – Offered by Councilwoman Walls
Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$140.00 from Acct No 03.09.9710.700 CE DS Interest to Acct No. 03.07.8110.461 CE Lab Cost, \$245.00 from Acct No. 03.09.9700.700 CE DS Interest to Acct No. 03.07.8110.469 CE Outside Service, \$255.00 from Acct No. 03.09.9700.700 CE DB Interest to Acct No. 03.07.8110.463 CE Electric, \$700.00 from Acct No. 03.07.8110.464 CE Chlorine tp Acct No. 03.07.8110.465 CE Septic Cleaning, \$400.00 from Acct No. 03.07.8110.468 CE Repairs to Acct No. 03.07.8110.465 CE Septic Cleaning and \$1500.00 from Acct No. 03.07.8110.401 CE Misc. Sewer to Acct No. 03.07.8110.465 Septic Cleaning.
Seconded by Councilman Dukler and carried.

Resolution No. 99 – Budget Transfer in General Fund – Offered by Councilwoman Walls Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$1500.00 from Acct No. 00.06.7110.103 PS Park Personnel to Acct No. 00.06.7110.413 CE Repairs, \$150.00 from Acct No. 00.06.7110.445 CE Mowing to Acct No. 00.06.7110.413 CE Repairs, \$300.00 from Acct No. 00.07.8020.404 CE Engineer/Outside Service, \$300.00 from Acct No. 00.07.8160.467 CE Chipping to Acct No. 00.07.8160.401 CE Misc and \$525.00 from Acct No. 00.06.7110.101 PS Park Personnel to Acct No. 00.06.7110.413 CE Repairs.
Seconded by Councilman Dukler and carried.

Resolution No. 100 – Budget Transfer in General Fund – Offered by Councilwoman Walls Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$220.00 from Acct No. 00.01.1110.403 CE Justice Conference to Acct No. 00.01.1110.460 CE Justice Outside Service, \$300.00 from Acct No. 00.01.1220.422 CE Software Support to Acct No. 00.01.1220.402 CE Mileage, \$500.00 from Acct No. 00.01.1620.417 CE Improvements to Acct No. 00.01.1620.401 CE Misc, \$400.00 from Acct No. 00.01.1620.417 CE Improvements to Acct No. 00.01.1620.411 CE Telephone and \$200.00 from Acct No. 00.06.7110.415 CE Park Improvement & Signs to Acct No. 00.06.7110.401 CE Park Misc.
Seconded by Councilman Dukler and carried.

ADJOURNMENT

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk