

December 1, 2015 – Workshop Meeting

The workshop meeting of the Gardiner Town Board was held this evening at 7 PM at the Gardiner Town Hall. Supervisor Zatz presided with Councilmen Dukler, Hinson, and Wiegand in attendance. Councilman Reynolds was absent. There were approximately 20± audience members.

ANNOUNCEMENT

Dec 4 – Christmas Tree Lighting and Caroling 7 PM - meet at the Gardiner Gables

Dec 5 – Friends of the Library Holiday Plant & Wreath sale

Dec 5 – St. Charles Church Cookie Walk

Dec 27 – Memorial service here at the Town Hall for Dr. David Straus 2 PM

HOLIDAY CLOSINGS

The Town Hall offices will be closed for the Christmas Holiday December 24 and 25 and for the New Year's Holiday December 31 and January 1, 2016.

TOYS FOR TOTS

The Town Hall is a Toys for Tots location. Please bring an unwrapped toy to the Town Hall and place it in the box located in the lobby. Pick up will be December 15th. All toys collected will be distributed in Ulster County.

TRANSFER STATION HOURS

The transfer station hours for the winter have been reduced to 3 days a week. It will be opened Wed., Fri., and Sat 8 AM to 4 PM.

ORGANIZATIONAL MEETING

The organizational meeting for 2016 will be held on January 5, 2016 at 7 PM.

THANK YOU

Supervisor Zatz thanked resident Melissa Curtis, a member of the New Paltz Garden Club for the festive arrangements in the flower pots at the building entrances. Mr. Zatz also thanked the Highway Dept for putting up the holiday decorations in town.

BID OPENING – 2016 HIGHWAY MATERIALS

At 7:05 PM the Town Clerk read the legal notice for the 2016 road material bid. Six (6) bids were received, opened and reviewed. They were as follows: Callanan Industries, Grosso Materials, Mehlon Trucking, Ellenville Sand and Gravel, Speyside Holdings LLC and Scott Barclay Trucking. All provided the Town with a non-collusion statement. The bids were turned over to the Highway Superintendent for review and recommendation of award. Bids will be awarded at next week's meeting.

NYS SOLAR FARM

Supervisor Zatz commented that Morris Associates and attorney David Brennan are reviewing the application. Councilman Hinson suggested adding a dismantling clause to the special permit either at the Town Board level or Planning Board level.

PUBLIC HEARING – LOCAL LAW AMENDING SUBDIVISION REGULATIONS (PARKS)

At 7:15 the Town Clerk read the legal notice for the local law entitled “Amending the Subdivision Regulations Regarding Parks and Open Space.” Supervisor Zatz asked the Town Clerk to read the second legal notice for a local law entitled “Reducing the Membership of the Open Space Commission.” Each will be discussed individually.

Councilman Wiegand opened with speaking about the first law. The Town has several pieces of property that was given as parkland at the creation of several subdivisions in the Town. These particular properties are not taxed and unused. This law changes the focus to a fee rather than property. It is suggested that fees of \$2500/lot created. Mr. Wiegand commented that there is still a way to offer land by way of a variance before the Town Board. Councilman Hinson commented the lands currently owned by the Town are not good lots and undesirable for use.

Councilman Wiegand allowed for questions and/or comments from the public:

Roberta Clements – Land that is designated as parkland contributes to the aesthetics of the Town. Swampy land is a way of water filtration and benefits the areas they are located in. Does not see any benefit to fees over parkland. She believes that preserving parkland is a much greater benefit to the Town. Ms Clements has environmental concerns if land is not well preserved in the Town.

Jennifer Scura- Agrees with Ms Clements. Parkland far outweighs the benefits that fees will create.

Rich Koenig – commented that most residents are unaware of parkland throughout the Town. While the money aspect is appealing, parkland is good for the Town. Suggested identifying parkland throughout the Town with signage.

Marie Zapf – stated that she lives on Hasbrouck Road for many years and she believes she is the only one that uses the designated “parkland” on her road. She has walked it herself and it becomes inaccessible and steep making it virtually impossible to walk on.

Barbara Sides – commented that it is a welcome change to the law.

John Habersberger – Agrees that it is a good change. He has identified parkland that runs down to the river along side his property on Old Ford Road that is rarely used.

Marybeth Majestic – commented that these parklands may open the Town up to additional liability. Asked if the \$2500/lot was for every lot regardless of the size of the subdivision.

Councilman Dukler – suggested the fees collected be used for establishing a land acquisition fund.

Eugene Ruoff – asked how large are the parcels/parkland that the Town owns.

Councilman Wiegand – commented they average one (1) to five (5) acres.

There being no further discussion, Board members voted to keep the hearing opened on motion of Councilman Hinson, seconded by Councilman Wiegand and carried. The Town Clerk will forward a copy of the law to the Ulster County Planning Board and the Town of Gardiner Planning Board for their review and recommendation.

PUBLIC HEARING – LOCAL LAW REDUCING THE MEMBERSHIP OF THE OPEN SPACE COMMISSION

Board members moved onto the Open Space Commission. Councilman Wiegand explained that it has been difficult to get a quorum and this commission has been unable to meet in a couple of years. Mr. Wiegand is suggesting reducing the number of members from nine (9) with two (2) alternates to five (5) with two (2) alternates. Four (4) current members are still interested in serving and he has received interest from five (5) others for interviews. First priority would be to the existing members. The public was offered the opportunity to ask questions or comment at this point.

Eugene Ruoff – important to keep the Commission going for the Town’s infrastructure to remain in place for future needs.

CLOSE PUBLIC HEARING ON LOCAL LAW TO REDUCE OPEN SPACE COMMISSION

On motion of Councilman Dukler, seconded by Councilman Hinson and carried, the public hearing was closed at 8:10 PM.

ADOPT LOCAL LAW – OPEN SPACE COMMISSION

A Local Law to amend Section 3 (Open Space Commission) of Chapter 165 (Open Space Preservation and Acquisition) of the Town Code of the Town of Gardiner, New York.

Be it enacted by the Town Board of the Town of Gardiner as Follows:

SECTION 1. TITLE

This local law shall be known as “A Local Law Reducing the Membership of the Open Space Commission.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law and the Town Law.

SECTION 3. PURPOSE AND FINDINGS

The purpose of this local law is to reduce the number of persons authorized to be members of the Open Space Commission. Town of Gardiner Code 165-3(A)(1) provides that the Open Space Commission of the Town of Gardiner shall consist of nine members and one alternate. Town of Gardiner Code 165-3(A)(5) provides that a quorum for the transaction of business shall consist of five members.

The Town Board has found that it is difficult to fill a 10 member board and maintain active members to attend the quarterly meetings mandated by Town Code 165-3(A)(4). When members do not attend meetings, the Commission often lacks a quorum, cannot conduct business and, as a result, the Town Board seeks to reduce the number of members from ten to seven.

SECTION 4.

Chapter 165 of the Town Code of the Town of Gardiner is hereby amended as follows:

- A. Town Code §165-3(A)(1) is hereby deleted in its entirety and replaced with the following provision:

The Commission is constituted as a continuing agency of the Town of Gardiner and shall consist of five members plus two alternates to be appointed by the Town Board. Persons residing within the Town of Gardiner who shall have demonstrated significant interest in

and commitment to the conservation, protection and encouragement of open space and of agricultural lands, both for production of food and for preservation of such lands as valued natural and ecological resources evidenced, either by involvement in conservation and preservation groups, or expertise in real estate, finance, planning, law, grant writing, negotiation, etc., by employment or by volunteer activity in such areas, shall be eligible for appointment as members of the Commission.

- B. Town Code §165-3(A)(2) is hereby deleted in its entirety and replaced with the following provision:

Commission members and alternates shall serve for a term of five years. The terms of the initial commission shall have staggered expiration dates, and the staggered expiration of terms shall be maintained. The Town Board has the option of renewing terms. Commission members shall file an oath of office with the Town Clerk within 30 days of appointment.

- C. Town Code §165-3(A)(5) is hereby deleted in its entirety and replaced with the following provision:

A quorum for the transaction of business shall consist of three of the Commission's five members.

- D. A new provision, Town Code §165-3(A)(6), is hereby added as follows:

The chairperson of the Commission may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Commission. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Commission. Such designation shall be entered into the minutes of the Commission.

SECTION 5. PROCESS TO REDUCE MEMBERSHIP

As of the date of this Local Law there are ___ vacancies on the Open Space Commission. The Town Board hereby determines that those vacant positions will not be filled and are hereby eliminated. To reduce the membership of the Open Space Commission to five members, the Town Board hereby determines that as the terms of members of the Open Space Commission expire, they will not be reappointed and the position eliminated, until there remain only five members. To the extent that the terms of more than one member expire on the same date, each position will be eliminated as necessary until five positions remain. If the elimination of two positions on the same date results in a membership of less than five members, the Town Board shall advertise for candidates to fill the open position and shall be authorized to consider the former members should they seek re-appointment. When appointing or reappointing members, the Town Board shall set be the terms of the appointments to be staggered such that the term of one member shall expire each year.

SECTION 6. VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Gardiner hereby declares that it would have

passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect after adoption by the Town Board and upon filing in the office of the New York State Secretary of State.

RESOLUTION IN SUPPORT OF LOCAL TRANSPORTATION FUNDING

Resolution No..117- Resolution in Support of Local Transportation Funding

Offered by Councilman Wiegand

Whereas, a reliable transportation infrastructure is vital for the safety of New York’s travelling public and its economy; and

Whereas, 85 percent of New York’s roads and bridges are maintained by local governments; and

Whereas, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

Whereas, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

Whereas, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

Whereas, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

Whereas, funding for our local system has been far short of what is needed and we’ve fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

Whereas, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

Whereas, in the early 1990’s the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems’ capital programs; and

Whereas, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

Whereas, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

Whereas, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT; NOW THEREFORE BE IT

RESOLVED, that the Town of Gardiner calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and

BE IT FURTHER RESOLVED, that the Town of Gardiner calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

BE IT FURTHER RESOLVED, that the Town of Gardiner calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

Seconded by Councilman Dukler and carried.

LAPTOP PURCHASES

The Planning Board and Zoning Board of Appeals clerk is in need of a new laptop as well as the Supervisor's office. There was discussion about the purchase of the laptop now in the Supervisor office by our current Supervisor Zatz. In-coming Supervisor Majestic will look at this computer before a decision is made on purchasing one.

LIBRARY BOARD OF TRUSTEES

On motion of Councilman Dukler, seconded by Councilman Hinson and carried, Stephen Weir was appointed as Library Trustee for a term of January 1, 2016 through December 31, 2021.

LIBRARY REFINANCING

As president of the Library Board of Trustees, Councilman Dukler presented a plan to reduce the mortgage for the Library by refinancing. This refinancing will save approximately \$65,000 over the course of the mortgage life. Town Attorney Paul Kellar drafted a resolution stating that the Library has fulfilled its requirement on the right of reversion satisfaction. Board members discussed this at length. Councilman Dukler is looking for approval of this resolution so it may be included with the refinancing application as require by the bank. Board members would like to review this further and decided to address this at next week's meeting.

RESERVE FUNDS

Councilman Wiegand is working with attorney Mitch Jaiven to prepare the paperwork for moving forward with distributing funds to the 2016 budget.

ADJOURNMENT

On motion of Councilman Dukler, seconded by Councilman Wiegand and carried the meeting was adjourned at 8:20 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk