

The August monthly meeting was held this date at 7:00 PM at the Gardiner Town Hall. Present were Supervisor Katz, Councilmen Wiegand, Koenig & Mele and Councilwoman Lemmon. There were approximately 15± audience members.

### ANNOUNCEMENTS

Sept. 11 – Gardiner Day Majestic Memorial Park 11:00 AM to 4:30 PM. Volunteers needed. For more information contact the Town Hall.

### MEETING DATE CHANGES

Due to Primary Day, the regular meeting for the month of September will be held on Thursday Sept. 16. Due to Election Day, the workshop meeting for the month of November will be held on Wednesday November 3.

### PUBLIC HEARING – LOCAL LAW TO AMEND SECTION 220-11D OF THE ZONING CODE

A public hearing was held at 7:05 for the adoption of a local law entitled “Amending Chapter 220-11D of the Town Code of the Town of Gardiner”. The Town Clerk read the legal notice. Supervisor Katz explained the purpose of the Law was for lot size with respect to municipal water and sewage. He informed the Board that the Ulster County Planning Board responded with a “No County Impact” statement. The Town of Gardiner Planning Board however has concerns with the change in the law and has indicated their opposition to the removal of the private water and sewer plant changes. Comments from the audience were as follows:

**Kathy Hudson** – a member of the Planning Board. Stated that the Board was confused by the law, specifically in Section D, the sentence left out removing “...facilities owned & managed by the Town...”

Also commented that this discussion was brought up due to an application before the Planning Board.

**Councilman Wiegand** – agreed with Ms Hudson. There are many inconsistencies and the description is very confusing. Mr. Wiegand drafted a new law and read portions of it. Copies were given to all Board members.

**Councilwoman Lemmon** – received a statement from Robert Liebowitz of the UCPB saying that if a private water system breaks down, it is the Town’s responsibility to repair the system, if the owner fails to do so. Commented that dense development needs a municipal water supply. It was the original intent of the zoning law.

**Councilman Mele** – commented that multiple dwellings on one (1) unit is covered by the law, landowners should be responsible for the cost of failure and suggested setting up bonding for the systems.

**David Straus** – commented on the difference between the RA district and the hamlet with respect to area size for apartments. In the RA district 10 acres is needed for an apartment building where in the hamlet only 10,000 square feet are needed. Indicated the locations of the various aquifers located in the Town – Forest Glen Road to Orange County and a deep aquifer in the Wallkill River. Also the NYS DEP currently has an application before the Planning Board to connect the Catskill shaft with shaft 4 in the Town of Gardiner located on Route 208. A good source for a water supply.

**Pam O’Dell** – stated that it goes against common sense for intense development in a low water area.

**Councilman Koenig** – asked the status of the proposed aquifer law. Stated that the applicant for the apartment building to be located in the hamlet has done testing on the neighboring wells with no negative impact.

Board members agreed to doing more research and re-drafting the law.

### CLOSE PUBLIC HEARING

The public hearing was closed on motion of Councilman Wiegand, seconded by Councilman Mele and carried at 8:00 PM.

**TOWN ROAD WEIGHT LIMITS**

In a recent research project, building inspector Hank Vance noted an inconsistency in the weight limit law regarding Dusinger Road. Weight limits are restricted to vehicles in excess of 20,000 pounds, but the fine is set to any vehicle in excess of 10,000. Mr. Vance drafted a correction for the Board to consider. No decisions were made.

**SCENIC MEADOWS SUBDIVISION EXTENSION**

The Town Board has received a request from Scenic Meadows Subdivision requesting an extension on their relief of posting a performance bond. Board members are concerned, as Scenic Meadows has outstanding Planning Board fees owed to the Town in the amount of \$18,000. Board members will hold up on a decision until fees are paid.

Councilman Mele stated that two years ago this was a hardship case. Mr. Mele does not believe special privileges should be given to this developer that would not be given to another. Others have completed the bonding requirements and believes a bond should be posted in November 2010. Bonds can be transferable.

**NORTH STREET RIGHT OF WAY**

Town Board members are in receipt of a letter from Robert Zaccheo, Jr. representing Mario Milano regarding the paper road known as North Street. Mr. Milano would like to do a quit claim deed for this parcel of land. Attorney Paul Kellar suggested the Town do a municipal search. Lee Rhinehart from Hudson Valley Abstract provided the Town with search results and it appears that the Town may not have claim to this parcel. Further research will be done.

**PASQUALE’S LIQUOR LICENSE RENEWEL APPLICATION**

The Town Board is in receipt of a liquor license renewal request for Pasquale’s Pizzeria made to the NYS Liquor Authority. Board members have no objection to this renewal.

**CELL TOWER UPDATE**

Supervisor Katz has received two (2) replies out of the eleven (11) RFP’s sent out. One was from Verizon and the other from Wireless Edge. Both have been sent to consultant Ron Graiff for his review and recommendation. Each proposal has two (2) towers – one (1) at the Transfer Station the other at the Town Highway garage on South Mountain Road – each at 120 feet. Sensible Wireless has received a copy of both proposals. Supervisor Katz is hoping to have a completed analysis by next month.

**MINUTES**

Minutes of May 11, June 1, June 8, July 12 and July 26 were approved as written on motion of Councilwoman Lemmon, seconded by Councilman Koenig and carried.

**SUPERVISORS MONTHLY REPORT**

The July Supervisor’s Report was approved as presented on motion of Councilwoman Lemmon, seconded by Councilman Wiegand and carried.

**CLAIMS**

Claims were approved for payment on motion of Councilwoman Lemmon, seconded by Councilman Koenig and carried. They are listed on Abstract #7 as follows: General Fund voucher #353-412 \$35,130.75; Highway Fund voucher #163-188 \$55,115.40; Sewer District #1 voucher #24-30 \$7,308.02; Library Fund voucher #71-98 \$7,426.09; Sidewalk Phase I voucher #5-6 \$5,134.50.

**BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS**

**Resolution No. 112** – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2010 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$362.01 from Acct No. 00.01.1220.460 CE Contracted Services to Acct No. 00.01.1220.401 CE Misc., \$11.25 from Acct No. 00.01.1355.422 CE Assessors Software Support to Acct No. 00.01.1355.401 CE Misc, \$91.56 from Acct No. 00.01.1355.422 CE Assessors Software Support to Acct No. 00.01-1355.403 CE Assessors Conference, \$21.66 from Acct No. 00.06.7310.432 Youth Printing to Acct No. 00.06.7310.430 Youth Supplies, \$30.42 from Acct No. 00.07.8160.412 Landfill Electric to Acct No. 00.07.8160.401 Misc. Landfill, \$750.00 from Acct No. 00.08.9060.801 Health Insurance Retiree to Acct No. 00.08.9060.802 Health Insurance 3<sup>rd</sup> party and \$495.95 from Acct No. 00.08.9060.800 Health Insurance Regular to Acct No. 00.08.9060.802 Health Insurance 3<sup>rd</sup> party.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 113** – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2010 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$1208.88 from Acct No. 00.02.3620.103 Building Dept. Clerk to Acct No. 00.01.1410.102 Town Clerk Deputy.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 114** – Transfer within Highway Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2010 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$1615.00 from Acct No. 01.08.9060.800 Health Insurance to Acct No. 01.08.9060.802 Health Insurance 3<sup>rd</sup> Party Payer.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 115** – Transfer within Library Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2010 Annual Budget, Library Fund, is hereby amended to provide for the transfer of \$1.24 from Acct No. 19.06.7410.450 Fuel & Utilities to Acct No. 19.06.7410.201 Capital Equipment, \$300.00 from Acct No. 19.06.7410.450 Fuel & Utilities to Acct No. 19.06.7410.430 Office Supplies, \$41.23 from Acct No. 19.06.7410.450 Fuel & Utilities to Acct No. 19.06.7410.412 Recordings, and \$24.52 from Acct No. 19.06.7410.450 Fuel & Utilities to Acct No. 19.06.7410.455 Software Support.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 116** – Supplemental Appropriation in Library Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2010 Annual Budget, Library Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$857.25 in Acct No. 19.08.9050.800 Unemployment.  
Further Resolved, said moneys to be taken from the Unexpended Balance in the Library Fund.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 117** – Transfer within Sidewalk Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2010 Annual Budget, Sidewalk Fund, is hereby amended to provide for the transfer of \$5,134.50 from Acct No. 34.04.5410.425 CE Construction & Inspection to Acct No. 34.04.5410.420 Design & ROW.  
Seconded by Councilman Wiegand and carried.

**BUDGET 2011**

Supervisor Katz announced that all budget worksheets to department heads for the 2011 Budget will be going out this week. Mr. Katz would like to hold a special meeting with all department heads. He plans to have the tentative budget by September, preliminary budget by October with adoption the first or second meeting in November.

**PRIVILEGE OF THE FLOOR**

Marion Kells – she is reassured that there are inconsistencies in the zoning law.

**OLD FIREHOUSE/LIBRARY UPDATE**

A meeting was held with the Fire Department regarding the old firehouse/library building. A lease must be with the Fire District not the Fire Department. There have been no negotiations to date.

**EXECUTIVE SESSION**

On motion of Councilwoman Lemmon, seconded by Councilman Mele and carried, the Board entered executive session at 8:40 PM for the purposes of discussing current litigation, the employment history of a particular person and contract negotiations. The Board will return to regular session only to adjourn.

**LEAVE EXECUTIVE SESSION AND ADJOURNMENT**

On motion of Councilman Mele, seconded by Councilman Wiegand and carried, the Board left executive session and adjourned the meeting at 9:20 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk