

February 14, 2006 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 7:00 PM at the Gardiner Meeting Hall. Supervisor Zatz presided with Councilwomen Lemmon and Kern and Councilmen Bialecki and Katz in attendance. There were 20± audience members.

### **ANNOUNCEMENTS**

February 25 - 2<sup>nd</sup> Annual Spaghetti Dinner sponsored by the Gardiner Day Committee. Two seatings 5:00 PM and 7:00 PM held at the Gardiner Fire House. BYOB

February 27 - Open Space Meeting Gardiner Meeting Hall 7:00 PM

Year of the Library – several events planned. February 12<sup>th</sup> event was postponed due to inclement weather and has been re-scheduled for February 26<sup>th</sup>. Carlton Mabee will speak. These events are to raise money for the new Library building.

Supervisor Zatz brought to the attention of all present, a framed copy of the first issue of the Gardiner newspaper dated 1882. This was donated to the Town by Carol Lohrman and is on display in the adjacent room.

### **LIBRARY REPORT**

Barbara Sides, President of the Library Board of Trustees reported the architect for the Library has provided them with plans that will be presented at a community meeting on March 2 at 7:00 PM at the Gardiner Reformed Church Hall. The Library has received a \$50,000 anonymous matching funds donation. Board Trustees intend to send out a fundraising letter immediately following the community meeting. Assistant Librarian Ken Greene has written several grant applications to help with the funding on the construction of the new building. Mrs. Sides report approximately 2400 residents hold library cards. The library hosts several ongoing clubs and conducts four weekly story times and many other children and adult programs. With the participation in the interlibrary loan program in 2005 the Gardiner Library circulated over 66,627 books. Mrs. Sides commented that a report recently received by the Library revealed that our Library operates with one of the lowest budgets in the County.

### **CELL TOWER REPORT**

A revised contract has been received from JNS Enterprises for the installation of a cell tower on the landfill property. It has been reviewed by attorney David Brennan and ready to be signed by the Supervisor. Once signed a regulatory review will begin as well as the special permit process.

### **MINUTES**

Approval of minutes to the December 29, 2005, January 3 and January 10, 2006 meetings were tabled to the next month.

### **BRUNO BATTISTOLI**

Patti Brooks of Brooks & Brooks, Michael Boylan, Donald Otis and attorney Paul Kellar were all present to discuss the situation with Mr. Bruno Battistoli's property located at the end of Forest Glen Road. Supervisor Zatz explained that it was an old subdivision and Mr. Battistoli has been trying to resolve an issue of building on the land. Ms Brooks did a presentation of fact on the property from 1926 to present including Mr. Battistoli's process with the building inspector to the ZBA decision denying the variance. She distributed a copy of her report to the Town Board. Board members had many questions about whether this would be a road or a very long driveway. How would it affect other homes and public safety. Mr. Otis commented that the Town Board must determine what Mr. Battistoli needs to do to improve the road to meet Town specifications, instruct him on the improvement and then he will issue

a building permit. With so many questions and possible scenarios, Board members agreed to table this to next month allowing them to do research and review and asked attorney Paul Kellar to layout options.

### **CLARKE SUBDIVISION**

Attorney Michael Moriello was present on behalf of Steven Clarke developer of the Clarke Subdivision. Mr. Moriello explained how Mr. Clarke had reached this point in the project, appearing before the Planning Board and the Town Board. He is now offering a subdivision agreement, an offer of cession and a conservation easement. There was much discussion on the conservation easement and Board members agreed to the easement. Supervisor Zatz suggested using a model of another filed easement and crafting a new one for this property. Attorney Moriello suggested scheduling a meeting with Paul Kellar, Mr. Clark and a Board member to negotiate the easement. Councilwoman Kern agreed to participate as the Board member.

### **PLANNING BOARD RECOMMENDATION**

Planning Board Chairman Mike Boylan has requested a change to the subdivision laws allowing for a greater period of time and number of extensions on conditional approvals. Supervisor Zatz read the letter sent by Mr. Boylan to attorney Paul Kellar and the letter received back from Mr. Kellar with his recommendation. It was agreed that it would be in the best interest of both the Planning Board and the applicant to extend the time and number of extensions. Supervisor Zatz will work with Mr. Kellar to draft a new local law.

### **COLLATERAL SOURCE LEGISLATION**

Supervisor Zatz briefly touched on this subject. Councilman Katz would like to contact Assemblyman Cahill to get further facts on this legislation.

### **ZONING ADVISORY COMMITTEE**

A few applications have been received expressing interest in serving on the ZAC. The Board needs to determine whether the chairman will form the committee or the Town Board. It was decided that the Town Board will conduct interviews prior to the March 7<sup>th</sup> meeting at 6:00 PM and will assemble the committee during that evenings meeting.

### **SHAWANGUNK BICYCLE CLUB ANNUAL BIKE TOUR**

The Wallkill Valley Cycling Tour Committee is once again requesting permission to host their bike tour to be held on May 7<sup>th</sup> utilizing roads in the Town of Gardiner. The course will be well marked and traffic will be monitored by local police and fire police. An insurance rider will be provided. On motion of Councilwoman Lemmon, seconded by Councilman Katz and carried, authorization to use town roads for this event was given. Supervisor Zatz will send a letter granting the use.

### **SCHEDULE PUBLIC HEARING – LOCAL LAW PARKING AMENDMENT**

Board members received a copy of a local law amending the parking requirements specifically in the hamlet. A public hearing was scheduled for March 7. The Town Clerk will forward a referral to both the Ulster County and Town of Gardiner Planning Boards.

### **PUBLIC HEARING – LOCAL LAW – TRANSITION LAW**

The Town Clerk read the legal notice for this public hearing at 9:30 PM. Supervisor Zatz immediately opened the hearing to the public for any questions or comments.

**Kathy Hudson** – questioned the notice. She does not feel it fully describes the purpose of the law. Attorney David Brennan wrote the notice and Supervisor Zatz felt the law itself describes its purpose.

There was a lengthy discussion about the effects of the law back an forth between Ms Hudson and the Board.

**Michael Moriello** – spoke about the effect the law may have on the Boylan/Wright subdivision.

**Councilwoman Lemmon** – suggested keeping the public hearing opened to next month, since all comments and recommendations have not been received.

A motion was made by Councilman Bialecki, seconded by Councilwoman Kern to close the public hearing. Supervisor Zatz, Councilman Katz and Councilwoman Lemmon all voted nay.

A second motion was made by Councilman Katz, seconded by Councilwoman Lemmon and carried to keep the public hearing opened to next month and to discuss with attorney David Brennan the effects of the appeals process of the AR-80 moratorium law on the transition law.

### **PUBLIC HEARING CONTINUATION – DRIVEWAY ACCESS LOCAL LAW**

The public hearing for this law was closed at 10:15 PM on motion of Councilman Bialecki, seconded by Councilman Katz and carried. It was agreed upon to re-write the law and present it to the Town Board once again with input from the fire department.

### **SUPEVISOR MONTHLY REPORT**

The supervisor report for the month of January was approved as presented on motion of Councilman Bialecki, seconded by Councilwoman Kern and carried.

### **CLAIMS REMAINING FROM 2005**

Claims remaining from 2005 were approved for payment on motion of Councilman Katz, seconded by Councilwoman Kern and carried. They are listed on Abstract #15 as follows: General Fund voucher #940-952 \$37,423.67; Highway Fund voucher #337-337 \$6,315.91; Library Fund voucher #139-141 \$299.45.

### **BUDGET TRANSFERS – 2005**

**Resolution No. 47** - Supplemental Appropriation General Fund – Offered by Councilman Katz Resolved, pursuant to Section 112, Town Law, the 2005 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$5,250.00 in Acct No. 00.01.1440.460 Professional Engineer.

Further Resolved, said moneys to be taken from the unexpended balance in the General Fund. Seconded by Councilman Bialecki and carried.

**Resolution No. 48** – Transfer within General Fund – Offered by Councilwoman Kern Resolved, pursuant to Section 112, Town Law, the 2005 Annual Budget, General Fund, is amended to provide for the transfer of \$170.00 from Acct No. 00.02.3510.403 Animal Control Conference to Acct No. 00.02.3570.201 PS Control Officer, \$94.69 from Acct No. 00.02.3510.460 Animal Control Professional to Acct No. 00.02.3510.201 PS Control Officer, \$730.03 from Acct No. 00.04.5010.201 S/H Equipment to Acct No. 00.04.5010.103 PS S/H Clerk, \$122.39 from Acct No. 00.04.5010.401 S/H Misc. to Acct No. 00.04.5010.103 PS S/H Clerk, \$250.00 from Acct No. 00.07.8020.402 Planning Board Mileage to Acct No. 00.07.8020.103 Planning Board Clerk, \$38.14 from Acct No. 00.07.8020.403 Planning Board Conference to Acct No. 00.07.8020.103 Planning Board Clerk, \$1,193.00 from Acct No. 00.01.1220.404 Supervisor Secretary to Acct No. 00.01.1220.100 Bookkeeper, \$1,307.72 from Acct No. 00.01.1110.102 Court Officer to Acct No. 00.01.1110.103 Court Clerk, \$548.06 from Acct No. 00.01.1110.201 Justice Equipment to Acct No. 00.01.1110.103 Court Clerk, \$394.84 from Acct No. 00.01.1110.401 Justice Misc. to Acct No. 00.01.1110.103 Court Clerk, \$217.25 from Acct No. 00.01.1220.404 Supervisor Secretary to Acct No. 00.01.1110.103 Court Clerk, \$990.11 from Acct No. 00.05.6148.401 Social Service Burials to Acct No. 00.05.6140.401 Social Service Home

Relief, \$250.00 from Acct No. 00.07.8020.201 Planning Board Equipment to Acct No. 00.07.8020.103 Planning Board Clerk, \$.84 from Acct No. 00.01.1010.401 Councilman Misc. to Acct No. 00.01.1010.100 PS Councilman, \$500.00 from Acct No. 00.01.1410.203 Town Clerk Equipment to Acct No. 00.01.1410.102 PS Deputy Town Clerk, \$1,115.00 from Acct No. 00.01.1420.463 Attorney Highway to Acct No. 00.01.1420.460 Attorney Professional Service, \$100.53 from Acct No. 00.01.1620.412 Buildings & Grounds Electric to Acct No. 00.01.1620.106 PS Buildings & Grounds, \$400.00 from Acct No. 00.02.3510.401 Animal Control Equipment to Acct No. 00.02.3510.201 PS Animal Control Officer and \$300.00 from Acct No. 00.07.8020.420 Planning Board to Acct No. 00.07.8020.103 Planning Board Clerk.  
 Seconded by Councilman Bialecki and carried.

**Resolution No. 49** – Transfer within Highway Fund – Offered by Councilwoman Kern

Resolved, pursuant to Section 112, Town Law, the 2005 Annual Budget, Highway Fund, is amended to provide for the transfer of \$250.00 from Acct No. 01.04.5140.100 PS Brush & Weeds to Acct No. 01.08.9030.800 FICA, \$301.65 from Acct No. 01.04.5140.400 PS Brush & Weeds to Acct No. 01.08.9030.800 FICA, \$447.48 from Acct No. 01.04.5140.420 Misc. Expense to Acct No. 00.08.9130.800 FICA, \$9.90 from Acct No. 01.04.5140.402 Misc. Testing to Acct No. 01.08.9130.800 FICA, \$658.00 from Acct No. 01.04.5140.433 Rental to Acct No. 01.04.5142.100 Snow Removal, \$.68 from Acct No. 01.04.5142.400 Snow & Ice Expense to Acct No. 01.04.5142.100 Snow Removal and \$98.04 from Acct No. 01.04.5120.400 Bridges to Acct No. 01.04.5142.100 Snow Removal.  
 Seconded by Councilman Bialecki and carried.

**Resolution No. 50** - Supplemental Appropriation General Fund – Offered by Councilwoman Kern

Resolved, pursuant to Section 112, Town Law, the 2005 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$5,600.00 in Acct No. 00.01.1320.400 Audit & Accounting, \$612.00 in Acct No. 00.01.1410.102 Deputy Town Clerk, \$5,200.00 in Acct No. 00.07.8790.464 Open Space and \$228.07 in Acct No. 00.01.1420.460 Attorney Professional Services.  
 Further Resolved, said moneys to be taken from the unexpended balance in the General Fund.  
 Seconded by Councilman Katz and carried.

**CLAIMS – 2006**

Claims for 2006 were approved for payment on motion of Councilman Katz, seconded by Councilwoman Kern and carried. They are listed on Abstract No. 2 as follows: General Fund voucher #1-62 \$68,516.45; Highway Fund voucher #1-36 \$24,997.27; Sewer District #1 voucher #1-7 \$1,871.18; Gardiner Light District voucher #1 \$265.83; Library Fund voucher #1-14 \$6,633.06; Capital Town Hall voucher 1-3 \$5,420.02.

**BUDGET TRANSFERS – 2006**

**Resolution No. 51** - Supplemental Appropriation Capital Town Hall Fund – Offered by Councilwoman Kern

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, Capital Town Hall Fund, is hereby amended to provide for supplemental appropriations in the amount of \$4,717.50 in Acct No. 30.01.1620.405 Other Contractors, \$285.08 in Acct No. 30.01.1620.401 Misc., \$70.00 in Acct No. 30.01.1620.408 Refuse and \$347.44 in Acct No. 30.01.1620.401 Misc. .  
 Further Resolved, said moneys to be taken from the unexpended balance in the Capital Town Hall Fund.  
 Seconded by Councilman Katz and carried.

**ADJOURNMENT**

On motion of Councilman Bialecki, seconded by Councilwoman Kern and carried the meeting was adjourned at 10:35 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk