

April 10, 2007 – Regular Meeting

The regular meeting of the Gardiner Town Board was held at the Gardiner Town Hall at 7:00 PM. Present were Supervisor Zatz, Councilwomen Lemmon and Kern and Councilmen Katz and Bialecki. Approximately 20± audience members were also present.

### **ANNOUNCEMENTS**

April 13 – Friday transfer station hours will change to Noon to 8 PM for the summer.

April 16 – Summer Recreation sign up begins. Counselor positions are now available. Contact the Town office for an application.

April 21 – Gardiner Clean Up Day

April 21 & 22 – Five town appreciation from Mohonk Preserve

April 29 – Closing Acquisition Ceremony 2 PM Rail Trail property on Route 44/55. Refreshments will be served.

### **APPOINTMENT OF ECC MEMBERS**

Interviews were held earlier this evening. There were five candidates and all were appointed to the Commission as follows: John Sansalone – motion by Supervisor Zatz, seconded by Councilman Katz and carried. Ashley Sapir – motion by Councilwoman Kern, seconded by Councilwoman Lemmon and carried. Barbara Sammons – motion by Councilwoman Lemmon, seconded by Councilman Bialecki and carried. Larry Braun – motion by Councilwoman Kern, seconded by Councilman Katz and carried. Shirley Toth was appointed as an associated member on motion of Supervisor Zatz, seconded by Councilwoman Lemmon and carried. Staggered terms will apply and will be announced at next month's meeting.

### **284 HIGHWAY AGREEMENT**

Resolution No. 65B – Approval of Agreement for Expenditures of Highway Moneys

Offered by Councilman Katz

Resolved, pursuant to Section 284 of the Highway Law, the Town Board of the Town of Gardiner hereby endorses and approves an agreement for the Expenditure of Highway Moneys dated April 10, 2007;

Said agreement shall be signed by the majority of the members of the Town Board, with one copy to be filed with the Town Clerk; and

Further Resolved, that the Supervisor is hereby authorized to disburse moneys from the Highway Fund in accordance with said agreement.

Seconded by Councilwoman Lemmon and carried.

## **SNOW REMOVAL ROUTE 44/55**

Superintendent Haynes informed Board member that in order to remove snow from the hamlet area on Route 44/55, he would have to obtain a permit from the State DOT for the road closure on an as needed basis. Permits are not given for a season.

## **ZONING UPDATE**

Supervisor Zatz announced that the newest draft of the zoning law is available on the website. The public hearing for the local law was scheduled for May 8 at 7:15 PM. The Town Clerk was directed to send copies of the law to the Gardiner Planning Board, the Ulster County Planning Board, adjoining towns and the Ulster County Legislature. A special meeting was scheduled for April 23 at 7:00 PM for the purpose of a question and answer session with Joel Russell and members of the community.

## **INCLUSIONARY HOUSING**

Ray Smith and Laurie Willow presented a proposal for inclusionary housing in the new zoning law. They recommended several changes as follows: change the mandated inclusionary housing from 15% to 10%; add

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inclusionary housing to the total number of units rather than making them a part of the total number of units; change point scale system - prioritize for long term residents of Gardiner; give the Planning Board latitude to accommodate the inclusionary housing.

## **OHIOVILLE ACRES PLANNED DEVELOPMENT DISTRICT**

Lisa Nagle of Elan Planning was present to discuss with the Town Board a planned development district for Ohioville Acres. Supervisor Zatz read the proposed plan for the project. Ms Nagle explained their goal is to provide a mixture in housing while preserving open space. Councilwoman Kern and Councilman Bialecki were both opposed to the plan. This creates a large bonus to the project and decreases the percentage on inclusionary housing. Councilwoman Lemmon, Councilman Katz and Supervisor Zatz were all in favor of the plan. A motion was made by Councilwoman Lemmon, seconded by Councilman Katz to move forward with the Planned Development District for Ohioville Acres. Supervisor Zatz also voted aye. Councilwoman Kern and Councilman Bialecki vote nay. Motion carries.

## **SCENIC MEADOWS SUBDIVISION**

Board member have been requested to schedule a public hearing for Scenic Meadows Subdivision for the development of a Storm Water Drainage District. This would be a separate taxing district for 12 homes in this subdivision with the Town maintaining the district. This is a condition of the subdivision approval. Attorney David Brennan will get more information for the Board and speak to the Planning Board Chairman. If necessary a public hearing will be scheduled at a later date.

## **CELL TOWER SEQR REVIEW**

A long form SEQR was prepared by attorney David Brennan and each Board member was copied. Supervisor Zatz announced that the Board is not interested in proceeding, but can the SEQR process continue. Board members expressed their interest of exempting the Town from the law. Mr. Brennan explained that the exemption can be done by resolution of the Town Board. It would be appropriate to hold a public hearing to decide if the Town meets the requirements. On motion of Councilman Katz, seconded by Councilman Bialecki and carried, the Town Board directed Mr. Brennan to prepare an exemption resolution in anticipation of the public hearing outcome and to prepare the SEQR documents.

A public hearing was scheduled for May 1 at 7:15 PM.

## **SCHEDULE PUBLIC HEARINGS FOR 2 LOCAL LAWS**

A public hearing was scheduled for May 1 at 7:30 PM for the Repeal of Local Law #2-1992 Solar or Wind Energy Systems and a second public hearing was scheduled for May 8 at 7:30 PM for a Six Month Extension on the Moratorium in the AR-80 District.

## **CLI SEWER DISTRICT UPDATE**

This afternoon a meeting was held with attorney David Brennan, engineer Rich Renna, Supervisor Zatz, Councilwoman Lemmon and CLI District property owners who proposed the extension of the current Sewer District or the creation of a new district. It was agreed that the engineer must evaluate the current capacity of the sewer system and compare it to the proposed zoning increase in the hamlet. A petition to create and design the district is also needed. Attorney David Brennan advised that the addition of the new users should be done by extension of the district.

A motion was made by Councilwoman Lemmon, seconded by Councilwoman Kern and carried, authorizing an analysis of the current flow and capacity of the sewer district to the flow and capacity with the proposed zoning.

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## **EXECUTIVE SESSION**

On motion of Councilwoman Lemmon, seconded by Councilman Bialecki and carried, the Board entered into executive session at 10:00 PM for the purposes of discussing litigation. The Board will return to regular session to complete the meeting. Councilwoman Kern recused herself and left the meeting.

## **LEAVE EXECUTIVE SESSION AND RETURN TO REGULAR SESSION**

On motion of Supervisor Zatz, seconded by Councilman Bialecki and carried, the Board left executive session and returned to regular session at 10:15 PM.

## **MINUTES**

Minutes of January 2, February 6 and February 13 were approved as written on motion of Councilman Bialecki, seconded by Councilwoman Lemmon and carried.

## **SUPERVISOR'S MONTHLY REPORT**

The March Supervisor's report was approved as presented on motion of Councilman Katz, seconded by Councilman Bialecki and carried.

## **CLAIMS**

Claims were approved for payment on motion of Councilwoman Lemmon, seconded by Councilman Bialecki and carried. They are listed on Abstract #3 as follows: General Fund voucher #159-232 \$66,076.68; Highway Fund voucher #45-69 \$31,331.12; Sewer District #1 voucher #10-16 \$23,434.34; Gardiner Light District voucher #4 \$314.34; Library Fund voucher #33-43 \$2,628.93; Capital Town Hall voucher #50-75 \$90,161.17.

## **BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS**

**Resolution No. 66** – Supplemental Appropriation Capital Town Hall Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, Capital Town Hall Fund, is hereby amended to provide for supplemental appropriations in the amount of \$7,622.14 in Acct No. 30.01.1620.402 Town Hall Materials, \$1,290.00 in Acct No. 30.01.1620.403 PS Town Hall GC and \$81,291.27 in Acct No. 30.01.1620.405 Town Hall Other Contractors.

Further Resolved, said moneys to be taken from the Unexpended Balance in the Capital Town Hall Fund.

Seconded by Councilwoman Lemmon and carried.

**Resolution No. 67** – Supplemental Appropriation Sewer District #1 Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, Sewer District #1 Fund, is hereby amended to provide for supplemental appropriations in the amount of \$123.95 in Acct No. 03.01.1910.400 CE Insurance and \$15,200.00 in Acct No. 03.07.8110.467 Sand Revitalization.

Further Resolved, said moneys to be taken from the Unexpended Balance in the Sewer District #1 Fund.

Seconded by Councilman Bialecki and carried.

**Resolution No. 68** – Supplemental Appropriation General Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$3,000.00 in Acct No. 00.06.7110.438 Rail Trail, \$139.55 in Acct No. 00.01.1330.103 PS Tax Collector Clerk and \$98.00 in Acct No. 00.01.1220.424 Supervisors Books.

Further Resolved, said moneys to be taken from the Unexpended Balance in the General Fund.

Seconded by Councilman Bialecki and carried.

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**Resolution No. 69** – Supplemental Appropriation General Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$312.00 in Acct No. 00.04.5010.201 S/H Equipment.

Further Resolved, said moneys to be taken from the Unexpended Balance in the General Fund.

Seconded by Councilman Bialecki and carried.

**Resolution No. 70** – Supplemental Appropriation Tax Stabilization Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, Tax Stabilization Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$20,000.00 in Acct No. B/5 12 909 Fund Balance.

Further Resolved, said moneys to be taken from the Unexpended Balance in the General Fund.

Seconded by Councilman Katz and carried.

### **ADJOURNMENT**

On motion of Councilman Katz, seconded by Councilwoman Lemmon and carried, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Michelle L. Mosher

Town Clerk

