

June 7, 2005 – Workshop Meeting

The workshop meeting of the Gardiner Town Board was called to order at 7:00 PM at the Gardiner Meeting Hall by Supervisor Zatz. Attending were Councilwoman Lemmon and Councilmen Fischer, Richards and Bialecki. Approximately 30± audience members were also in attendance. Planning Board members present – Michael Boylan, Kim Hoover and consultant James Freiband.

## **ANNOUNCEMENTS**

**Gardiner Day** – August 20, volunteers still needed.

**5K Race** - July 22, more information at the Town Hall or on line.

**Square Dance & BBQ** – June 11

**October** – planning a health screening day and blood drive. Contact Jewell for more information.

## **JOINT MEETING WITH PLANNING BOARD**

### **RE: TRAPPS DEVELOPMENT PARKLAND**

Planning Board Chairman Mike Boylan asked for guidance on how to resolve this issue. It has been going on since 1989. The Master Plan map shows the property in question as a park. Mr. Trapani claims he has been paying taxes on it and it belongs to him as a lot. Mr. Trapani proposed three options. He keeps the 10.6 acre parcel and the Planning Board signs off on the revised drawing and the Town keeps the recreation fee, they all agree on a compromise of the Town retaining 7.6 acres for a park and Trapps Development keeps a 3 acre parcel as a lot or Trapps Development proceeds with an Article 78. After a lengthy discussion, on motion of Councilman Bialecki, seconded by Councilman Fischer and carried, the preliminary offer of a 7.6 acre parcel for parkland and a 3 acre lot to Trapps Development was accepted conditioned upon the amendment of the Master Plan by the Town Board and acceptance of the preliminary approval of the subdivision by the Planning Board. Councilman Richards voted nay.

On motion of Councilwoman Lemmon, seconded by Councilman Fischer and carried, a condition of the approval is the waiver of the return of the recreation fees. Councilman Richards abstained.

## **MINUTES**

Minutes of April 4, April 12 and April 14 were approved on motion of Councilwoman Lemmon, seconded by Supervisor Zatz and carried with a correction to the April 12 minutes, page 2 the RFP's referred to were for engineering services for construction.

## **UPCOMING VACANCIES**

Supervisor Zatz reminded Board members of Board vacancies for the remainder of this year. July the Zoning Board of Appeals and the Parks & Recreation Commission. September the Board of Assessment Review. If anyone is interested they should send a letter to the Supervisor.

Planning Board member Richard Butler has submitted his letter of resignation from the Planning Board to be effective immediately. Supervisor Zatz will advertise for all vacancies and will contact all previous candidates from the last interviews.

## **ULSTER COUNTY PLANNING BOARD**

The term for Gardiner Ulster County Planning Board member John Kwak will end at the end of this year. Mr. Kwak is not interested in continuing and the alternate Richard Butler has just resigned. Board members will need to consider who they would like to replace each member.

## **TOWN BOARD SUMMER SCHEDULE**

Meetings for the Town Board for the month of July and August will be held once a month on the second Tuesdays on motion of Councilman Richards, seconded by Councilwoman Lemmon and carried.  
Councilman Fischer voted nay.

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### **RESOLUTION CASINO OPPOSITION**

**Resolution No. 75** – Offered by Supervisor Zatz

**WHEREAS**, The Governor entered into agreements with Indian tribes to construct massive Las Vegas-style casinos in the Catskills-Hudson Valley Region, including in Ulster County, and has introduced legislation in the New York State legislature to advance these casinos, and;

**WHEREAS**, The Governor’s plan includes Section 8 to amend Executive Law §12(b) to “authorized class III gaming facilities in the counties of Sullivan and Ulster,” which potentially concentrates the deleterious effects of casino gaming in our region to the detriment of our community rather than disperse the potential impacts throughout the state, and;

**WHEREAS**, The Governor’s plan includes Section 8 to amend Executive Law §12(b) would establish that “there shall be no obligation for tribes or nations to prepare an environmental impact statement under this section nor Article Eight of the Environmental Conservation Law provided that the federal environmental impact statement is sufficient to make findings pursuant to SEQRA in counties of Sullivan and Ulster,” and;

**WHEREAS**, There are potentially significant consequences to the public health and safety, including implications regarding traffic and infrastructure, crime, economic and fiscal concerns, impacts on children and families from alcoholism, drug abuse and other addictive behaviors associated with gambling, and other community character considerations that may be overlooked by an expedited environmental review, and;

**WHEREAS**, The Impact of Casino Gambling in Bankruptcy Rates: A County Level Analysis by Ernest P Goss, PhD., Professor of Economics and Visiting Scholar, CBO at Creighton University and Edward Morse, Professor of Law and Associate Dean at Creighton University School of Law indicates that counties with legalized casinos suffer individual bankruptcy rates more than 100 percent higher than counties that remained “casinoless” while on the other hand, the casino counties experienced business bankruptcy rates that were 35.4 percent less than their matching counties without casinos, and that casino counties were much more likely to experience Chapter 7 and Chapter 13 bankruptcies, and;

**WHEREAS**, Tribal casinos are not required because of sovereignty to transfer funds to state and local government agencies like other commercial enterprises. Ulster County, the Town of Gardiner and other local municipal agencies have no legal remedy to compel casinos to pay for the public infrastructure, goods and services that they may utilize. While Tribal governments have entered into voluntary agreements with state, county and/or local governments to defer the costs of public infrastructure, goods and services which would be required to sustain any such casino, these agreements have been entered into without a comprehensive environmental review and often understate dramatically the extent to which infrastructure and services may be necessary to support such an endeavor.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Town Board of the Town of Gardiner hereby expresses its opposition to the proposed of casino gambling in the region surrounding the Town of Gardiner, and in particular, Ulster, Orange, and Sullivan Counties.
2. That the Town Board of the Town of Gardiner hereby expresses its support for a complete environmental review, including the cumulative impacts of all proposed casinos under the provisions of the State Environmental Quality Review Act and NEPA (the National Environmental Policy) for any plan to establish ongoing casino gambling in the State of New York.
3. That the Town of Gardiner hereby calls on the Ulster County Legislature and other government officials to reject the Governor’s plan

4. That a study be conducted by state and county officials to evaluate the true fiscal implications of casino gambling on our local economy, including individual and business bankruptcy rates, and the costs to the Town of Gardiner to provide community services relative to increased traffic, police, fire and rescue services be fully addressed.

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5. That potentially significant consequences to the public health and safety of the citizens of the Town and region, including implications regarding traffic and infrastructure, crime, economic and fiscal concerns, impacts on children and families from, alcoholism, drug abuse and other addictive behaviors associated with gambling, and their community character considerations be carefully evaluated.
6. That the matter of casino building and gambling be presented to the citizens of Ulster County by way of referendum.

Seconded by Councilman Matthew Bialecki and carried.

### **SMRP - RESOLUTION FOR MUNICIPALITY TO PARTICIPATE AND CONTRIBUTE FUNDING FOR REGIONAL OPEN SPACE PLAN**

Resolution No. 76 -- Offered by Councilman Carl Zatz

WHEREAS, the northern Shawangunk Mountains and the surrounding Rondout and Wallkill Valleys form a distinctive Region in the Hudson Valley with exceptional scenic, natural, recreational and historical resources.

WHEREAS, these resources are not restricted by municipal boundaries but have common features which extend to an area of close to 100,000 acres in the towns of Crawford, Gardiner, Marbletown, Montgomery, New Paltz, Rochester, Rosendale, Shawangunk, Wawarsing and the villages of Ellenville and New Paltz.

WHEREAS, the Corridor Management Plan developed by these communities for the Shawangunk Mountains Scenic Byway, proposed for NYS designation, defines this Region and recommends strategies for preservation of these resources as well as for economic development through tourism and improved transportation.

WHEREAS, these strategies for preservation of resources include specific recommendations for the development of a Regional Open Space Plan and the creation of Local Open Space plans by these towns and villages.

WHEREAS, the New York State Department of State Quality Communities Program is soliciting grant applications for funding of planning to protect open space and critical environmental resources, improve public visioning and intergovernmental partnerships, and encourage economic development.

WHEREAS, a resolution by the Shawangunk Mountains Regional Partnership has invited the Town of New Paltz to be the municipal applicant for this NYS DOS grant and expresses the commitment of the Partnership to work together in a collaborative manner to undertake and complete the project outlined in the application.

WHEREAS, the New Paltz Town Board has agreed to be the municipal applicant for this grant.

NOW, THEREFORE, BE IT RESOLVED that the Town of Gardiner endorses this grant application, expresses its willingness to participate fully in the planning process for the Regional Open Space Plan, pledges a contribution of \$1,500 to the local share, and will designate one or more members of our town to participate on the Regional Open Space Committee.

Seconded by Richards and carried. Councilman Fischer voted nay.

### **2% BED TAX**

Ulster County Legislature is proposing a 2% bed tax for all lodging facilities in Ulster County. The lodging industry is opposed to this tax and believes there will be a ripple effect to other businesses in the area. Supervisor Zatz will draft a resolution in opposition to this tax and present it at the June 14 meeting.

**PRIVILEGE OF THE FLOOR**

**Kathy Hudson** – asked the status of the letter to be sent to Wood Classics and Kimlin Propane. Supervisor Zatz informed HER that the letter would be going out tomorrow.

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**Jack A.** – asked about the high volume of heavy truck traffic.

**Pam O’Dell** – questioned if the letter going to Wood Classics and Kimlin Propane would be from Don Otis.

**CELL TOWER UPDATE**

Councilman Bialecki has met with Jeff Staley and reviewed the process and time schedule for the installation of a cell tower. Two other sites are being consider. Along with the transfer station, the town hall property and the highway garage property will be investigated as possible locations. Mr. Staley will provide outlines of the regulatory approval process and how it will conform to the law. Mr. Bialecki may have more information by the June 14 meeting.

**ZONING UPDATE**

Councilman Bialecki announced that Paul Muessig, a member of the Zoning Advisory Committee, would be preparing a map for presentation with the law next week.

**ADJOURNMENT**

On motion of Councilman Richards, seconded by Councilwoman Lemmon and carried. The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk