

July 11, 2006 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this date at 7:00 PM at the Gardiner Meeting Hall. Present were Supervisor Zatz, Councilwomen Lemmon and Kern and Councilmen Bialecki and Katz. There were approximately 35± audience members.

ANNOUNCEMENTS

July 20 – 4th Annual 5 K race 6:30 PM beginning and ending at Majestic Memorial Park.

July 20 – Republican Committee Meeting 7:30 PM Gardiner Town Meeting Hall.

July 23 – Library Event – Youngsters with Elizabeth Hunter.

Sept. 16 – Gardiner Day. The committee is looking for volunteers and vendors.

CELL TOWER UPDATE

Councilman Bialecki received a report from Morris Associates with respect to the cell tower project. The Town Planning Board will review the report and make their recommendations to the Town Board and the Zoning Board of Appeals. Councilwoman Kern asked about the conflict of interest that has been brought up with the Town Board as Lead Agency. Councilman Bialecki reported that attorney David Brennan does not feel there is a conflict. Nothing has been received in writing and a request will be made of Mr. Brennan for a letter.

SUPERVISORS MONTHLY REPORT

The June Supervisors report was approved as presented on motion of Councilwoman Lemmon, seconded by Councilman Katz and carried.

CLAIMS

Claims were approved for payment on motion of Councilman Katz, seconded by Councilwoman Kern and carried. They are listed on Abstract #7 as follows: General Fund voucher #395-458 \$21,503.93; Highway Fund voucher #136-158 \$6,937.36; Sewer District #1 voucher #25-29 \$3,679.26; Library Fund voucher #53-61 \$1,487.40; Capital Town Hall voucher #10 \$70.00.

BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS

Resolution No. 86 – Transfer within General Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$2106.00 from Acct No. 00.01.1220.105 Confidential Secretary to Acct No. 00.01.1220.404 Supervisor Secretary.

Seconded by Councilwoman Kern and carried.

Resolution No. 87 – Supplemental Appropriation in the General Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$778.00 in Acct No. 00.07.8030.466 Pedestrian Project.

Further Resolved, said moneys to be taken from the unexpended balance in the General Fund.

Seconded by Councilman Bialecki and carried.

Resolution No. 88 – Supplemental Appropriation in the General Fund – Offered by Councilwoman Kern

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$121.00 in Acct No. 00.07.8030.465 Sidewalk Engineer.

Further Resolved, said moneys to be taken from the unexpended balance in the Master Plan Reserve Fund #32.

Seconded by Councilman Katz and carried.

PERSONAL AUTO USE – REIMBURSEMENT

Board members discussed at length the reimbursement policy and use of personal automobiles for town business and meetings. Most Board members believe that reimbursement for auto use outside of the expected travel as an employee or elected official is appropriate.

2006 HIGHWAY 284 AGREEMENT

Comments from the audience included a remark from former Supt. of Highways Calderone that the agreement should be approved at the beginning of the year prior to expending any funds. He also stated that the project for Lake Road listed for this year was budgeted for several years ago and the project was never completed. He believes that the taxpayers of the Town are paying twice for this project.

Supervisor Zatz will contact the Town attorney about this expenditure. Other comments were in regard to the absence of the Supt. of Highways at this and most meetings. Residents feel he should be present to discuss the agreement and it is just a general good idea to have him present at the meetings.

Supervisor asked for two Board members to meet with Mr. Haynes to discuss the agreement.

Councilman Katz and Bialecki agreed. The following resolution was adopted subject to a meeting with Mr. Haynes with the possibility of amendments to the Agreement.

Resolution No. 89 – Approval Agreement for Expenditure of Highway Moneys for 2006 – Offered by Councilman Bialecki

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 July 2006, said agreement shall be signed by the majority of the members of the Town Board, with one copy 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 Kern and carried.

CONSERVATION FINANCE COMMITTEE

Lewis Eisenberg was present to explain to the Board the intent to develop ballot language for a referendum for the November election to allow for a bond for the purchase of open space. He also explained a phone survey of 175 residents conducted at the end of June showed a favorable response to the bonding. SEQR and the EAF needs to be completed with the Town Board as Lead Agency prior to the November election. The next steps are to have the Town Board adopt a resolution with the intent for ballot language developed by the Open Space Committee and secondly a formal presentation for the draft Open Space Plan at the August meeting. A motion was made by Councilman Bialecki, seconded by Councilwoman Kern and carried authorizing the Open Space Committee to work with attorney David Brennan to draft language for the bond referendum and to work with the Town Clerk with scheduling. Although not necessary, a public hearing was scheduled for August 8, 2006 to receive questions and comments on the Open Space Plan.

PUBLIC HEARING – SPECIAL PERMIT GARDINER INDUSTRIAL DEVELOPMENT

A public hearing was called to order at 8:25 PM on an application from Gardiner Industrial Development to establish a dance studio on property located on Osprey Lane. The Town Clerk read the legal notice and the Supervisor opened the hearing to the public.

Nancy Terranova – owner of “Got Rhythm Dance Studio”. They had there first recital with 100 local children participating. They have outgrown the current location and are in much need of this space.

Jamie DePuy – supports the project.

There being no further questions or comments the public hearing was closed at 8:40 PM on motion of Councilman Bialecki, seconded by Councilman Katz and carried. The short form SEQR was review and the Board determined there would be no negative environmental impact from this project.

SPECIAL PERMIT – GARDNER INDUSTRIAL DEVELOPMENT DANCE STUDIO

Resolution No. 90 – Offered by Supervisor Zatz

WHEREAS, Gardiner Industrial Development, has applied for a Special Use Permit to establish a dance studio in a commercial building on property located in the CLI District in accordance with Section 220 Attachment A Use Index Section I CLI Bulk Group 13 of the Municipal Code (Zoning), and

WHEREAS, said application proposes the operation of a dance studio on a 20.55 Acre parcel fronting on Osprey Lane, and

WHEREAS, the Town Board of the Town of Gardiner held a public hearing on the application on July 11, 2006, and has otherwise conformed to the provisions of the Code; and

RESOLVED, pursuant to Chapter 220 of the Town of Gardiner Municipal Code, the Town Board hereby grants the applicant a Special Permit for the operation of a dance studio in the CLI District subject to the following conditions:

1. All building and Ulster County Health Department laws for this specific use are complied with. Seconded by Councilman Katz and carried.

PUBLIC HEARING – SPECIAL PERMIT PAUL COLUCCI

A second public hearing was held at 8:30 PM on an application of Paul Colucci to construct a building for storage, warehouse and light manufacturing. The Town Clerk read the legal notice. Mr. Colucci explained that he intends to rent the building to several tenants just as he does with his similar buildings in the CLI district. A prospective tenant is a boxing and sporting shoe distributor. There were no questions or comments from the audience and the public hearing was closed at 8:50 PM on motion of Supervisor Zatz, seconded by Councilwoman Kern and carried. The Town Board reviewed the short form SEQR and determined that this project would not have a negative environmental impact.

SPECIAL PERMIT – PAUL COLUCCI

Resolution No. 91 – Offered by Supervisor Zatz

WHEREAS, Paul E. Colucci, has applied for a Special Use Permit to construct a commercial building to house storage, a warehouse and light manufacturing on property located in the CLI District in accordance with Section 220 Attachment A Use Index Section I CLI Bulk Group 31 of the Municipal Code (Zoning), and

WHEREAS, said application proposes the operation of storage, a warehouse and light manufacturing on a 3.77 Acre parcel fronting on Steve Lane, and

WHEREAS, the Town Board of the Town of Gardiner held a public hearing on the application on July 11, 2006, and has otherwise conformed to the provisions of the Code; and

RESOLVED, pursuant to Chapter 220 of the Town of Gardiner Municipal Code, the Town Board hereby grants the applicant a Special Permit for the construction of a commercial building in the CLI District subject to the following conditions:

1. All building and Ulster County Health Department laws for this specific use are complied with.

Seconded by Councilman Bialecki and carried.

STEVES LANE AND DUSINBERRE ROAD INTERSECTION

Paul Colucci asked the Town Board to request the Supt. of Highways to take a look at the intersection of Steve's Lane and Dusinberre Road. Trucks exiting from Steve's Lane must swing out into the other lane in order to make the right hand turn onto Dusinberre Road as required by a local law. This has been a problem on several occasions and it is just an accident waiting to happen.

HEALTH INSURANCE AMENDMENT BOARDS AND COMMISSIONS

Resolution No. 92 – Offered by Councilwoman Kern

BE IT RESOLVED that the Town Board of the Town of Gardiner, a New York State Municipal Corporation, amends the Town of Gardiner employee manual to allow members of the following Boards and Commissions of the Town of Gardiner, during their time in office, to subscribe, through the Town of Gardiner, to health benefits equal to those collected by full-time employees, and (a) ZBA, (b) Planning Board, (c) Commission for the Conservation of the Environment, (d) Parks & Recreation, (e) Town Board

FURTHER, one-hundred per cent of the cost of said health benefits will be borne by the subscriber, and FURTHER, the Town Board authorizes Supervisor Zatz to work with the Town Attorney and Palmiter Insurance, the town's health benefit agent, to create the necessary subscriber agreements to be approved by the Town Board of the Town of Gardiner and to be made, upon approval, part of the Town's employee manual.

Seconded by Councilman Katz and carried.

TOLL BROTHERS DRAINAGE EASEMENT

Resolution No. 93 – Offered by Councilman Katz

WHEREAS, the Town of Gardiner Planning Board approved a subdivision known as Mountain View at Gardiner; and

WHEREAS, the improvements in the subdivision include conveyances for drainage of stormwater from the subdivision; and

WHEREAS, the drainage system as designed and approved includes a portion of the system to be located on Lot 11; and

WHEREAS, it is necessary and appropriate for the Town to have access to these improvements for observation, repair and the like; and

WHEREAS, Toll Land IV Limited Partnership has submitted an easement to allow the Town of Gardiner to access said area of Lot 11; and

WHEREAS, the easement has been reviewed by Special Counsel for the Town and the Highway superintendent has been consulted; and

WHEREAS, the easement meets the requirements of Town of Gardiner Code § 184-21 addressing easements for drainage;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF GARDINER, ULSTER COUNTY, NEW YORK:

THAT THE Town Board of the Town of Gardiner hereby authorizes the Town Supervisor to execute said easement and any related forms or documents required for filing.

IT IS FURTHER RESOLVED, that the Town Clerk and Special Counsel for the Town are directed to take any such other actions as are necessary and appropriate in this matter to effect this resolution.

Seconded by Councilman Bialecki and carried.

PARKS AND RECREATION VACANCY

Advertising for the upcoming vacancy has had no response. Amity Dippel's term is due to expire in September and the chairman of the Parks and Recreation Commission has suggested re-appointing Mrs. Dippel to another term. Board members agreed and on motion of Councilwoman Lemmon, seconded by Councilwoman Kern and carried, Amity Dippel was re-appointed to another term on the Parks and Recreation Commission to expire in the year 2013.

MINUTES

Minutes from March 14, April 4, April 11 and May 2 were approved as written with one correction to the May 2 minutes removing "Town of" from page 5.

TRANSFER STATION PROCEDURES

Due to the recent review by State auditors, questions have come up about the handling of funds at the transfer station. Supervisor Zatz conducted a survey of surrounding towns and reported to the Board his findings on their procedures. He is recommending a no cash policy at the transfer station, regular use of coupons or punch cards and the possibility of changes in the hours and days of operation. He will present the Town Board with a resolution to include these suggestions at next months meeting.

LIBRARY BUILDING TRANSFER

The Town Board discussed with Fire Department members present the transfer of the Library building to the Library Board of Trustees. Luke Lyons spoke about the transfer of this building to the Town when the Fire Department moved into their current quarters in the late seventies. The Fire Department has always assumed that if and when the Town no longer had a need for the building it would be returned to the Fire Department for their use. They are in need of space particularly office space. The members of the fire department are a bit annoyed that the building has not been offered to them. Board members reminded the Library Board that they were instructed to generate the paperwork for the transfer after they contacted the Fire Department about the use of the building. The Library Board members present stated they would have a meeting with the Fire Department as soon as possible.

EMPLOYEE MANUAL

Councilman Katz presented the Board with a draft of the manual which has been five years in the making. The only problem that he sees for the Town is the health insurance. He asked Board members to review the manual and make any comments or suggestions. He would like to adopt this at next months meeting.

ADJOURNMENT

On motion of Councilman Katz, seconded by Councilwoman Kern and carried, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk