

September 5, 2006 – Workshop Meeting

The workshop 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 & Kern and Councilmen Katz & Bialecki. There were approximately 35± audience members.

ANNOUNCEMENTS

September 16 – Gardiner Day at Majestic Memorial Park 11 AM to 4 PM Volunteers and vendors are still needed.

September 23 – St. Charles Church Flea Market held at the church hall from 10 AM to 3 PM.

September 30 – Tri-Town Republican Dinner honoring Senator John Bonacic.

October 14 – AARP Craft Fair at St. Charles Church Hall.

October 14 – Classics Under the Gunks Car Show at Kiernan Farm on Bruynswick Road. All proceeds will go the Library building campaign.

PLANNING BOARD VACANCY

Supervisor Zatz announced the resignation of Alan Goodman from the Planning Board effective in October. The Town will advertise and conduct interviews in late September or early October.

RE-SCHEDULES- TOWN BOARD MEETING & OPEN SPACE PLAN PUBLIC HEARING

The regular meeting of the Town Board has been re-scheduled to Wednesday September 13 due to Primary Day. Supervisor Zatz also announced that the Public Hearing for the Open Space Plan was re-scheduled for this day.

WOOD CLASSICS NOISE VIOLATION

Wood Classics has been notified of the noise violation due to the sound meter readings taken in May of this year. Building Inspector Donald Otis informed Wood Classics of the violation in writing and asked them to advise the Town of what actions they would take to remedy the problem. He informed them if they failed to respond an appearance ticket would be issued for the Town of Gardiner Justice Court. A letter was received from Jeremy Smith, President of Wood Classics disagreeing with the findings. He understands that this could lead to court action. Supervisor Zatz asked if the Town should proceed with court action hiring Jack Zand to defend the Town. Councilman Bialecki feels this is a simple enforcement issue and it is up to Don to issue an appearance ticket and proceed. Supervisor Zatz, Don Oits and Jack Zand will estimate the cost of pursuing this and judge what the outcome may be.

ZONING ADVISORY COMMITTEE UPDATE

Councilman Bialecki commented that the committee is in need of a recording secretary. He feels that it would be very helpful to both the committee members and other interested parties to have minutes of the meetings. He knows of someone who may be interested in the position. Mr. Bialecki also stated that the work on the zoning will not be completed by the end of the moratorium. An extension of six months is considered necessary. Attorney David Brennan will draft an extension law to be presented at next week's meeting and a public hearing can be scheduled. Lastly Councilman Bialecki discussed the need to have all reviews concurrent with each other. This will make the public hearing process and the adoption of the law less complicated.

TOWN HALL UPDATE

Supervisor Zatz reported that the foundation has been poured and CorCraft is now in the process of constructing the building. The work is progressing nicely and delivery is anticipated in three weeks. The timing is crucial for the delivery of the buildings, the construction of the trusses and getting the roof shingled. There was discussion about energy efficiency of the building, to make it as "green" as

possible. Costs of Geo-thermal, LP gas furnace and solar/electric were discussed. Councilman Bialecki offered to check into other energy efficient mechanical system options.

CELL TOWER UPDATE

The public hearing was opened at the last ZBA meeting and has been continued to their next meeting. They requested computer simulation of a 120 foot tower. This was received and sent to the ZBA. It is now up to the ZBA to decide whether to give the variance or not. Councilman Katz attended the meeting and was not encouraged that a variance would be granted. There are a couple of alternatives, with the most desirable by Mr. Katz being the amendment of the law. Several audience members spoke in support of the tower with those opposed to the extreme height of the tower voicing their opinions as well. Since the height of the tower is based on signal strength in various areas of the Town, a drive test was suggested to check the strength.

A decision is needed on the SEQR and attorney David Brennan will assist the Board through this review.

GARDINER DAY MASS GATHERING PERMIT

Resolution No. 109 - Offered by Councilman Katz

Whereas, the Town of Gardiner has adopted certain rules and regulations governing outdoor musical entertainment, amusement and assemblies in order to provide for public order and the protection of safety, health and well-being of persons and property within the Town known as Chapter 107 of the Municipal Code, and

Whereas, the Gardiner Day Committee has proposed to hold an event known as “Gardiner Day” on Saturday September 16, 2006, at the premises known as George Majestic Memorial Park on Murphy Lane in the Town of Gardiner which is reasonably expected to attract more than 500 persons, and

Whereas, the applicant has provided the Town Board with information concerning the purpose of the event, the hours of operation, the provision of adequate off-street parking, the provision of fire lanes and toilet facilities, evidence of compliance with the Health Department regulations, proof of adequate liability insurance and copies of notice sent to area police agencies, fire departments and rescue squads, and

Whereas, the Town Board is satisfied that adequate provisions have been made by the applicant and that planned event will not disturb the public order and safety, then

Resolved, the Town Board of the Town of Gardiner hereby grants a permit for an outdoor assembly known as “Gardiner Day” to be held on Saturday September 16, 2006, between the hours of 11:00 A.M. and 4:00 P.M. at George Majestic Memorial Park on Murphy Lane in accordance with the application presented to the Town.

Seconded by Councilwoman Kern and carried.

RAIL TRAIL PURCHASE

Discussion on this was tabled to the September 13 meeting.

RESOLUTION - OPEN SPACE BOND REVISION

The purpose of this resolution is to amend the bond language from a legal language format to a simpler form for all to understand.

Resolution No. 110 – Offered by Councilman Bialecki

A RESOLUTION RESCINDING THE BOND RESOLUTION DATED AUGUST 8, 2006 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF GARDINER, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE ACQUISITION OF INTERESTS OR RIGHTS IN LAND FOR THE PRESERVATION OF OPEN SPACE AND DELEGATING THE

POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Gardiner, Ulster County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of voluntary interests or rights in land after review by a citizens' advisory committee and subject to final approval by the Town Board in order to preserve working farms, wildlife habitat, water resources and other open space. The estimated maximum cost of said purpose is \$1,500,000.

SECTION 2. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$1,500,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. All or a portion of the indebtedness hereby authorized to finance the cost of said purpose may be issued in the form of a land installment purchase obligation pursuant to the provisions of Section 29.10 of the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds authorized by this resolution, and any notes issued in anticipation thereof, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the specific purpose set forth herein. This resolution shall constitute a statement of official intent for purposes of Treasury Regulation Section 1.150-2 of the United States Treasury Department.

SECTION 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes, and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to

designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. When this resolution shall have become effective, the Town Clerk shall cause the same, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, to be published in The Daily Freeman, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 12. This resolution shall, before becoming effective, be approved by a majority of the qualified electors of the Town voting at the general election of the Town to be held on November 7, 2006. The Town Clerk is hereby authorized and directed to give notice of the proposition to approve this resolution in the manner provided by law and to cause suitable ballots to be prepared for use at said election, which said ballots shall be in substantially the following form:

Bond to Preserve Open Space, Natural Resources and Farmland

In order to preserve working farms, wildlife habitat, water resources and other open space resources, shall the Town of Gardiner Bond Resolution adopted by the Town Board on the 5th day of September, 2006, in the amount of \$1.5 million be approved to finance the acquisition of voluntary interests or rights in land after review by a citizens' advisory committee and subject to final approval by the Town Board?

SECTION 13. This resolution hereby rescinds and supercedes the Bond Resolution dated August 8, 2006.

Seconded by Councilwoman Kern and carried

LIBRARY BOARD APPOINTMENTS

On recommendation of the Library Board of Trustees, Councilman Bialecki motioned to re-appoint Susan Eckhardt to the board with a term to expire in 2011 and George Majestic was appointed to a term to expire in 2011.

Seconded by Councilman Katz and carried.

PRIVILEGE OF THE FLOOR

Pam O'Dell – asked about the status of the Library building with the Fire Department and what was the outcome of the survey on the Open Space Plan.

Supervisor Zatz commented that there has been no communication with the Town Board about the Library building. Councilwoman Lemmon read the results of the survey to Ms O'Dell.

ADJOURNMENT

On motion of Councilman Bialecki, seconded by Councilman Katz and carried the meeting was adjourned at 8:45 PM.

Respectfully submitted,